



**RESEARCH ARTICLE**

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**Factors Affecting the Exercise of Police Discretion as Perceived by the Sorsogon City Police**

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**Abstract**

Police as leaders hold a critical role and should stand firm and dignified. The main objective of this research work is to highlight factors that could influence the exercise of police discretion, as perceived by the Sorsogon City Police. This research work utilized the use of descriptive-correlation design, utilizing questionnaires as the means to identify the possible factors; twenty-two questionnaires were used and retrieved. Among the factors that got a high score for conducting an arrest is the location of the Place of the suspect to be arrested, with an average weighted mean of 3.32. As to the factor affecting police discretion based on case investigation, lack of interest on the part of the complainant scored high with a WAM of 3.0. While some factors scored low, this research work has concluded that (1) the length of service and rank of police offers can affect the exercise of police discretion. (2) some factors affect the exercise of police discretion as perceived by Sorsogon City police but then assured that their discretion is not clouded or influenced by other stated factors such as partisanship. (3) lack of human resources is still a prevailing factor in the impediment of police work.

**Keywords:** ~~Keywords:~~ Police, Discretion, Standard, Decision Making, Professionalism

**INTRODUCTION**

Over the past years, society has seen growing awareness of the intricacy of police work, and police work is being scrutinized and expected to be done accordingly. Police as leaders hold a critical role and should stand firm and dignified. Since the 60s and 70s, the study of the complexity of police work has surfaced in the works of Frank Remington and Hernan Goldstein, and other brilliant minds have advanced the whim that police departments are closely alike with administrative agencies whose complex works are characterized by fair use of discretion (Development Services Group, n.d)

Daily, law enforcement, especially the police, are perpetually required to choose a range of alternative courses of action. As known, those who are in the lower ranks savor considerable autonomy. This discretion is vital to the attainment of their roles and duties. Regarded as the gatekeepers of the criminal justice system, police, as law enforcement officials, holds a quasi-judicial position, choosing potential offenders, judging on guilt, and giving punishment. The primary role of discretion in law enforcement is the interpretation of the upfront meaning of the laws in connection with the particular concern they encounter. Law enforcement officers also use their choice to 'temper the bluntness of the laws' (Poyser, 2004)



Police discretion is an aspect of freedom of law enforcement to decide how they will perform their official functions. Daily, police work in numerous situations where they can choose how to respond to a particular problem using the best of their wisdom and judgment rather than a strict law. The use of police discretion possesses a vital role in their line of work since, as police officers, they frequently need to act quickly, in-the-moment decisions that must be made before specific laws are consulted or reviewed. Nevertheless, this does not mean that the police are allowed to cast unlawful judgment. Still, it is more on using their knowledge of what is reasonable and lawful versus illegal and unreasonable for their determination and decisions to become a valid approach and appropriate, especially in stressful circumstances (Schubert, 2022).

It is of enormous awareness that police as law-implementing officers face different issues or cases in their work. Some are controversial, which makes their discretion exercise in a tight spot and a considerable challenge. Police know that discretion is just a privilege given to them behind their badges; thus, preference shall be made following the law that makes it an exercise of “Lawful discretion.”

In the Republic of Indonesia, police officers carrying out their duties may act according to their judgments. They can only be carried out during the necessity of the circumstances by considering the laws and regulations, as well as the written code of professional conduct and ethical standard. Police officers, in carrying out their duties, always act according to the legal norms, religious behavior, morality, and decency and shall always uphold human rights. Preventive action is of paramount consideration (Wahyuningsih, 2021).

In the United States, laws about carrying firearms have become more tolerant. During the year 1985, the majority of the states had "may-issue laws" This granted local police heads a broader scope of discretion on whether or not to issue a license to carry concealed guns. In the recent day, only nine of the states have continued in the adoption of "may-issue law." The remaining states have switched to "shall-issue laws", also called must-issue laws. This law has limited police discretion; half of the shall-issue states allow police to a no discretion at all. The applicants shall pass the statutory requirements to be issued a license; individuals who are not granted permission because of non-favor from the chief, even though they have passed the requirements, shall now be given (Hemenway & Hicks, 2015).

During the height of the pandemic, reports escalated that there was an abuse in the Police power of authority wherein they were photographed putting quarantine violators into dog cages. In the Philippines, the exercise of police discretion is also being put under scrutiny so, as other countries stated. In a separate incident, police in Bulacan province, north of Manila, shot and killed a man early on Wednesday after he allegedly rode a motorcycle past a lockdown roadblock. The individual and the police reportedly fought before the man was fatally shot. A firearm was found at the site (Hume, 2020).



Plenty of issues arise from this exercise of police discretion, which explains why it is seen as being abused. Some study believes that several factors influence the practice of control and are grouped into three categories. Situational factors, particularly the gravity of the offense, come first. The second relates to the features of the criminal justice system, such as the resource limitations that the police force faces and the subculture(s) that exist within it. The final category is offender variables, and many studies emphasize the significance of socioeconomic traits and demeanor. Consequently, a fourth category—officer-level variables, such as their age, experience, norms, and attitudes—has been proposed by Buvik's research into the Norwegian policing (Buvik, 2016).

For the police department to operate effectively and maintain positive relationships with its community, discretion in law enforcement, particularly within policing, is essential. Law enforcement officers and particularly the police who value professionalism in their work is likely to act professionally, and t. Therefore, sure to act with accountability and ethics. It was observed that when the discretionary powers are limited, reports of frustration are due to the perception that superiors do not see them as trustworthy enough to cast their decisions. On the logical side, when there is an elevation of discretion, one could be more professional in dealing with work (McCartney & Parent, 2015).

Police discretion has always been and remains a hotly debated topic. Due to factors such as the ambiguous nature of the law, the severity of the crime, the limited resources available to law enforcement (as well as other justice systems) organizations, society's perception of and support for the police, constitutional limitations on government power, and the fact that a significant portion of the work of the police involves handling noncriminal matters, police officers are required to use considerable discretion when assisting the public (Brown, 2022). Contrary to common opinion, the practice of law enforcement is always discretionary. This contradicts the idea that everyone must be treated equally in the eyes of the law and that the law must always be enforced consistently everywhere and at all times.

It is also wise to note that police discretion also has its downside or disadvantages. In the blog article of Miller (2020), he listed some disadvantages of Police Discretion. Statutory laws only cover some potential situations, and most statutory and common laws do not encompass potential circumstances that police encounter while they are on their duties. This connotes that there are situations when the transgressor is not sanctioned with detainment or given a ticket because of the given circumstances. Even in situations where the victim attempts to press charges during this kind of situation, officials can come up with a decision on whether or not to press charges with legal intervention. Police discretion is also seen to be an invitation for cronyism. If police officer fails to carry out their duties diligently, then few offenders can get out of prosecution because of cronyism.



Also stated in this blog article is that violating orders can lead to excessive force. To control a potentially dangerous situation, police officers may use a small amount of force at their discretion. If an official goes beyond this point, it may result in issues with the use of excessive force in a particular circumstance. Some people may mistakenly feel that because excessive force is prohibited, cops must interact with them in a friendly, sensitive, and smooth manner. Even if it is thought to be illegal, disobeying an order increases the likelihood of violence being directed toward the authority. Therefore, the use of force is frequently justified, even when it does not seem so at the moment (Miller, 2020).

Another is that it can lead to soft law enforcement mechanisms. Local precincts may adopt softer law enforcement practices due to excessive use of police discretion. It might catalyze the populace to treat the rules and laws that govern their community with less respect. To ensure that illegal behavior receives the deterrent consequences required to keep everyone secure, officials must behave prudently and with high confidence and self-esteem. Above mentioned disadvantages are just a few; if thoroughly studied, it can highlight a few more (Miller, 2020).

The firm characteristics of the organization influence the behavior of its officers, it shapes the nature and extent of regulations guiding the exercise of officer discretion. The organization's expectation is implied to officers through proper supervision or administrative policy. The latter is a vital organizational tool for limiting police discretion. Even with eliminating the fact that offices need the discretion to interpret vague laws, account for scarce resources, and community dealing and address minor violations, too much discretion can lead to possible misconduct. It could further disrupt the relationship between law enforcement and the community. With this, offices are highly encouraged to come up with vivid policies regulating the conduct of the officers. In the end, it is the sole responsibility of the police bureau to put up policies and properly communicate these policies and their practical applications (Nowacki, 2015).

This scholarly study attempts to know the factors that affect the exercise of police discretion in the conduct of arrest and case investigation. As stated above, this study mainly focuses on outlining the potential factors that affect the exercise of police discretion in a specified area, such as the conduct of arrest and case investigation. Upon outlining the possible factors, possible recommendations, and policies to help address these factors will also be tackled. Police officers coming from Sorsogon City are the respondents of this study. This will only focus on Sorsogon City police and police station; police and police stations coming from nearby municipalities are outside the scope. This research endeavors to achieve the following objectives.



### ***Research Objective***

1. To identify the factors affecting the exercise of police discretion in terms of:
  - a. Arrest
  - b. Case Investigation
2. To formulate recommendations and policies to help address the identified factors.

### **THEORETICAL FRAMEWORK**

The theoretical paradigm. This study has been linked to different theories of utilizing decision-making, specifically: Bounded rationality decision-making theory. Vroom – Yetton decision-making theory, and Intuitive decision-making theory.

The exercise of discretion has been placed at a very high stake; there are plenty of uncertainties and questions regarding this matter, especially in police discretion. The Philippine National Police organization, which has been scrutinized since the beginning, is no exemption. They are being questioned repeatedly for several things decided and executed on behalf of the organization.

Police are the keeper of the peace in the land, tasked to give security and a feeling of safety in the community, and should always be able to identify the best interest of society. Police officers are human beings too, and they do have emotions and feelings that sometimes they need to deal with to come up with the ultimate best course of action and decision over a particular situation.

In the debate of lawful and unlawful exercise of discretion, it is also essential to understand the rationale behind decision-making. Decision-making is choosing between what is readily available or alternative lists of action. It can be concluded that selecting between non-action and effort is. Herbert A. Simon argued that there is no such thing as an ultimate course of decision or action. This is because one needs to be more confident of the complete information regarding something, and because of this, it is concluded that there is always the ultimate course of decision or action. Simon sees this as the principal reason humans settle for only a complaint or good enough decisions rather than seeking the ultimate possible course of action or decision. The bounded rationality of humans prevents them from seeking out the ultimate rational decision (Dhami, 2022).

As viewed by the researcher, people's perceptions of law enforcement must be perfect and free from error, which the law also assumes to be. Acting or deciding not to follow the law is always accompanied by sanctions or punishments. Including law enforcement, the discretionary privilege must anchor on what is lawful. Given the fact that our police officers are human too, dealing with emotions and trigger that they too must overcome in order to act or decide lawfully, we cannot slash out the fact that they too are prone to committing an error and clouded decision-making, especially if they do not get enough support from the team.



Vroom-Yetton decision-making theory is simply about outlining the fact that there is no such thing as a perfect concept, a perfect step to make decisions. In this theory, it is argued that one's situation is the factor that determines or dictates the best process or decision that should be made. It is the exercise of a yes or no approach, in which it is seen that asking relevant questions about the situation can help reach a decision. Take, for example, teamwork, teamwork in an organization is very important for decision-making. When an organization decides as a team, they probably identify the suited decision for the given situation (Vroom, 1973).

The researcher sees that police officers are seen to be tough and shall act upon what is being ordered by the written rules of the land. There shall be decisions that are to be exercised only if it is what the written rule implies to do so. These police officers sometimes scratch in between the rules and their perceptions or intuition. The reason is the explanation why sometimes they lack lawful discretion.

In intuitive decision-making theory, people might be unaware that when one makes a decision intuitively, it is already a decision-making process. It is understood that an intuitive decision occurs in the mind instantly; there is a sequence of recognition in Place. Researchers discovered that this "intuitive decision" is effective when someone has many experiences in a particular field. However, it is also good to note that in unfamiliar situations, following intuition is only sometimes the best course to take (Dr. Amit Kumar Gosar, 2019).

With that, the researcher notes that it must be normalized and should be put into consideration that police officers could be better and prone to clouded decision-making. There are factors that affect their discretion, and the above-mentioned theories are just a few of the studies that give people a reason for a better understanding of the nature of humans. This is the main focus of this research study, to outline and understand the rationale behind the clouded exercise of lawful discretion of police officers and to help in outlining a few recommendations to help address or alleviate the agony behind the identified factors.

### **Analytical/Conceptual Framework**

The conceptual framework tried to picture the style of this study. This serves as the organizer of the idea based on the research topic and enlightens the mind of the future readers of this study about what transpired during the process of determining the possible factors that affect the exercise of Police discretion among the Police personnel of Sorsogon City Police Station.

Police officers are also human beings prone/susceptible to different factors that come their way during the exercise of their duties and responsibilities—going back to the theoretical concept of this study, when the researcher looks for the theories that will outline the factors that influence the exercise of police discretion. It shows that individual and structural factors affect the exercise of discretion.

The very purpose of this study is to outline the possible factors that affect the exercise of police discretion in their duties, such as in the conduct of arrest and pressing or case filing. Moreover, to formulate possible recommendations to address the factors that affect their exercise of discretion. Exercising police discretion is also a dilemma on the part of the police officers. They already have the rule of law that they must strictly adhere to, but truth be told that in real-life situations, there are many considerations to be undertaken.

The formulation of the recommendations to address the given factors that affect the exercise of police discretion is subject to addition or enhancement by the entities concerned to ensure the viability and applicability of this research paper among the beneficiaries.

As stated from the theoretical framework, this study has utilized three different theories the Bounded Rationality theory, the Vroom – Yetton decision-making theory, and the Intuitive decision-making theory. As expressed, all three theories are helpful in the realization of this work. Hence, some highlights add to the interest in the theories used in this study. As the result of this study suggests, the location of the suspect to be arrested scored 3.23 or an equivalent adjectival interpretation of reasonably agree, which means that the respondents adhere to the fact that their discretion is sometimes affected by the location of the suspect to be arrested. This connotes that Vroom-Yetton's decision-making theory jives with this study, as this theory believes that one's situation is a factor that determines or dictates the best decision to be made. A general exercise of yes or no approach, it could be taken into consideration that sometimes suspect location is not advantageous on the part of the police if they conduct an arrest; it would be detrimental on their part or dangerous. As agreed by the respondents, based on what was stated on the questionnaire that there is usually a delay or an impediment in the conduct of arrest when the suspect is located in remote areas or red flag areas.

Another highlight from this study is that the lack of interest of the complainant during the investigation impedes the process and turns out to be a waste of time on the part of the police, it was also agreed by the respondents with an equivalent adjectival rating of reasonably agree. This finding is also connected with the theory mentioned above: if the complainant is no longer interested in the case, the police decide whether to proceed with the investigation. A yes or no approach takes Place, and they must make the best decision concerning their current situation. Such decisions sometimes led to non-pursue of the case due to lack of interest of the complainant, a waste of time, effort, and resources of the police instead of attending to other cases that need their action.

The theory mentioned above fits this study based on the above narrative. It is also highlighted from this study, with respect to its result, that police discretion, as perceived by the Sorsogon City Police, is not deeply compromised by other factors. There are just a few that affect but only partially. This means that in police work, police discretion could compromise depending on the given situation in line with their work.



## METHODOLOGY

This study was conducted at Sorsogon City Police Station, wherein the respondents are the personnel of the said station. This police station was selected based on several reasons. This is the most familiar police station in Sorsogon City. Sorsogon city police station handles the most cases among other municipalities as it has the most significant population. This is more convenient for the researcher regarding access to the police station. The personnel of this station is more significant compared to other smaller police stations, which gives more credible results to this study. With a sample size of twenty-two, the samples were chosen through random sampling techniques. Before the data collection, all concerned officials sought permission to conduct the study, including the Chief of Police of the Sor City Police Station. The respondents were given complete information about the study, including its objectives, the utility of the information, and the treatment for the confidentiality of data. Data were presented as aggregate in the form of percentages and meant to maintain the confidentiality of the information. There are twenty-two male respondents in total. I selected only male respondents because they are primarily tasked with conducting arrests and investigations in the police stations. They are more exposed to more profound work than the female police. Hence, studying the factors that affect police discretion on the part of women could also be a different avenue for study. This paper utilized the use of a questionnaire in the English language to measure whether the indicated factors affect the exercise of police discretion by the Sorsogon City police personnel. There were twenty-two questionnaires distributed and retrieved the same number by the researcher. The research instrument is composed of three integral parts. Part I of the research instrument determines the profile of the respondents and a question as to whether they have already encountered situations that challenged the exercise of their police discretion; part II of the instrument collects data to analyze the factors that affect the movement of police discretion, and the last part showcases the recommendations as perceived by the respondents. After a week, the questionnaires were collected, and the data was encoded in a master tally sheet. The result was tabulated, analyzed, and interpreted. Regarding the data collection, the researchers were refined as the Sorsogon City Police Office is very cooperative. The Likert scale used in this study is 1: strongly disagree 2: disagree, 3: reasonably agree, 4: Agree, and 5: Strongly agree.



### ***Treatment of Data***

The data that will be gathered from this study will be subjected to the following statistical treatment:

**Weighted Mean.** A weighted mean is a value derived by dividing the sum of a set of responses by the number of responses. The following formula calculates the mean. (Levin, 2006):

$$\bar{X}_w = \frac{\sum \text{Ngroup } X_{\text{group}}}{\text{N total}}$$

Where:

$X_1$  = mean of a particular group

$\text{Ngroup}$  = number for a specific group

$\text{N total}$  = number in all groups combined

$X_w$  = weighted mean

**The weighted** average mean is the overall grade you received for the completed modules of the award course. The credit point value and academic level (such as junior or senior) of the units you have considered when calculating your WAM. The faculty or school that owns the study team determines the unit's weight. Your WAM is only calculated for grades that have been given a mark. (The University of Sydney, 2023)

$$W = \frac{\sum_{i=1}^n w_i X_i}{\sum_{i=1}^n w_i}$$

Where:

$W$  = weighted average

$n$  = number of terms to be averaged

$w_i$  = weights applied to  $x$  values

$X_i$  = data values to be average

### ***Ethical Consideration***

The researcher assured the privacy and consideration of specific measures related to the conduct of this study. The researcher assured the respondents that an approval letter from their immediate supervisor was secured before data collection. Furthermore, only those who voluntarily agreed to be part of the respondents were included in the data gathering. The Sorsogon City Police Station is well-informed about the nature and purpose of the study. It has approved the letter allowing the researcher to survey their respective agency. The researcher pledged the assurance that the collected data, which includes their identities, are kept private and that only the researcher and other necessary people involved in this study, such as the statistician and instructor, are able to have a glance at the data



collected. This is to ensure the safety of their identities that might cause harm in the performance of their duties. Rest assured that the data and information gathered from this research work are kept in a secured and coded storage that is only accessible by the researcher.

## RESULTS AND DISCUSSION

The goal of this study could be further understood by understanding the concept of the profiles of the respondents. What is the possible implication of their ranks and their years in the service? Table 1, part first presents the rank of the respondents; Patrolman who participated in the study is 13.63% or 3, PCpl who participated in the study is 7 or 31.82% out of the total respondents, ten (10) from the PMSg or 45.45% from the total respondents participated in the study, one (1) PSMS or 4.55%, none participated from the rank of PCMS, and one (1) or 4.55% participated with the rank of PLT. The study was dominated by the ranks of PMSg with 45.45%, followed by the rank of PCpl with 31.82%. The possible implication of these data in the police work is explained in the "Intuitive decision-making theory" that it is understood that intuitive decision occurs in the mind in an instant. There is a sequence of recognition in Place. Researchers discovered that this "intuitive decision" is effective when someone has many experiences in a particular field (Dr. Amit, 2019).

While Table 1, part two contains the data on the years of service of the respective respondents, based on the result, it shows that the majority of the respondents are already 6 to 10 years of rendering their service, with the highest percentage of 72.72 or 16 of the respondents already 6-10 years in service. Followed by respondents who are rendering service for 1 to 5 years already with an equivalent percentage of 13.63, and some respondents are rendering service for already 16-20 years with an equivalent percentage of 9.09 and the least the respondents are those who are rendering service for 11-15 years with an equivalent percentage of 4.55.

Table 1, last part reflects the result that 17 out of the 22 total respondents responded that in their service as police officers, they had encountered situations that challenged the exercise of their discretion, while 3 of the respondents have not encountered situations that challenged the exercise of their police discretion.

**Table I. Demographic profile of the respondents**

<b>Rank</b>	<b>Frequency (F)</b>	<b>Percentage (%)</b>
Policeman	3	13.63
Police Corporal	7	31.82
Police Master Sergeant	10	45.45
Police Senior Master Sergeant	1	4.55
Police Chief Master Sergeant	0	00
Police Lieutenant	1	4.55
<b>Total</b>	<b>22</b>	<b>100%</b>
<b>Years in Service</b>	<b>Frequency (F)</b>	<b>Percentage (%)</b>
1 – 5	3	13.63
6 -10	16	72.72
11 – 15	1	4.55
16 -20	2	9.09
<b>Total</b>	<b>22</b>	<b>100%</b>
<b>Whether faced a situation that have challenged your police discretion</b>	<b>Frequency (F)</b>	<b>Percentage (%)</b>
Yes	17	77.27
No	3	13.63
No response	2	9.09
<b>Total</b>	<b>22</b>	<b>100%</b>

Source: Field survey, 2022.

Below is Table 2, which depicts the factors that affect the exercise of police discretion under the conduct of arrest. There are seven (7) factors listed in this table. Among the seven stipulated factors base on the result, the top one (1) factor that affects the police discretion in making an arrest is the Location or Place of the suspect to arrest, with a weighted average mean of 3.23. Placed second are when the offender is juvenile and when the person arrested is mentally ill with both 2.9 weighted average means. Next is the relationship of the police officers to the victim or the suspect, with a weighted average mean of 2.73, followed by the seriousness of the offense, with a weighted average mean of 2.69 and the most negligible factor that affects the exercise of Police discretion as the conduct

of arrest based from the data gathered is the "Palakasan system"<sup>1</sup> or Patronage System with a weighted average mean of 2.5.

To give context to the results based on the data gathered, the top most factor that affects the exercise of police discretion for the conduct of arrest could further be illustrated when an offender flees and stays in red areas; for example, it is not easy to conduct an arrest for security reasons of course. Furthermore, another possible explanation to this is that when an offender, for example, flees too far areas, it will be difficult for the police to arrest the suspect, especially if they have zero knowledge of the new location of the suspect. In the study of (Hunt, 2021), they have been discussing the importance of criminal geography and geographical profiling within the bounds of the police investigation. Geographical profiling, also known as geographic offender profiling (GOP), is based on the idea that by using data on crime-related places, one can determine the most likely base of operations for a serial offender. It has a long history around the world to understand how geography and crime interact. Criminal geography can be successfully dissected and understood to assist police in strategically allocating increasingly limited resources to prevent and minimize crime and aid police detectives in finding and apprehending serial criminals. Police investigations can benefit significantly from using specifically designed computerized decision support systems supported by psycho-geographical theory and data generated from similar known offender spatial behaviours. This strengthens the idea that there is a consideration in conducting an arrest or investigation with the offender's geographical location.

On the other aspect, when the offender is a juvenile, sometimes they are just being set free, and the police give a warning instead of effecting an immediate arrest and bringing them to the Department of Social Welfare and Development (DSWD) because their circumstance is being considered. In this part, the police have nothing much to do because according to the law, section 22 of Republic Act 9344, otherwise known as the Juvenile Justice and Welfare Act of 2006, mandated the conduct of a diversion program in the case of a child in conflict with the law (CICL) who are above 15 but below 18 years of age and assessed to have acted with discernment. This diversion program is a kind of child-appropriate process of determining the responsibility and treatment of a CICL while considering his/her needs and other circumstances without resorting to filing formal court proceedings (Department of Social Welfare and Development, 2008).

The same goes with mentally ill persons as the least rated among the other factors. They are treated separately, and the researcher learned that the PNP and the RHU in the province of Sorsogon have an existing memorandum of agreement for the procedures when it comes to encounters with mentally disturbed persons. Being the least on factor, "Palakasan System," the personnel of Sorsogon City Police, based on the result of the data gathered, does not see this factor as a hindrance in their

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<sup>1</sup> "Palakasan System" - in Filipino culture and politics, patronage refers to the belief that merit should not be valued over a person's ability to win favour, a promotion, or a political appointment. (Definitions.net, 2023).



sound discretion, staying inline in their core values of not having partisanship and no one is above the law regardless of one's societal standing.

**Table 2. Factors affecting the exercise of Police discretion 5 – Strongly Agree 4- Agree 3 - Fairly agree Disagree – 2 Strongly Disagree – 1**

Factors	5		4		3		2		1		Total	
	F	X <sub>5</sub>	F	X <sub>4</sub>	F	X <sub>3</sub>	F	X <sub>2</sub>	F	X <sub>1</sub>	F	WAM
<b>When the offender is a juvenile.</b> (Juvenile offenders are sometimes freed in consideration of their circumstances instead of being arrested and turned over to the DSWD)	1	0.22	7	1.27	3	0.41	11	1.0	0	0	22	2.9
<b>Seriousness of the offense.</b> (Petty Crime offenders sometimes are not arrested for the reason of humanitarian consideration)	0	0	5	0.91	6	0.82	10	0.91	1	0.05	22	2.69
<b>Location or Place of the suspect to be arrested.</b> (There is usually a delay in the conduct of arrest or an impediment in the conduct of arrest when the suspect is located in remote areas or red flag areas.)	0	0	6	1.09	15	2.05	1	0.09	0	0	22	3.23
<b>“Palakasan system”.</b> (Political attachment or involvement of a suspect especially with those who are politically powerful or high ranking officials, hinders the conduct of arrest.)	0	0	6	1.09	2	0.27	11	1.0	3	0.14	22	2.5
<b>Relationship of the police officers to the suspect or the victim.</b> (Crime/s that a family member, a friend, colleague/s are the ones involved, affects the officer's decision to the immediate arrest of the suspect.)	0	0	6	1.09	4	0.55	12	1.09	0	0	22	2.73
<b>When the person to be arrested is mentally ill.</b> (It is tricky whether to arrest and take punitive action when the client is a mentally ill person.)	0	0	5	0.91	12	1.63	3	0.27	2	0.09	22	2.9
<b>Responding to domestic dispute.</b> (When responding to domestic disputes, officers are torn between arrest and mediation.)	0	0	5	0.91	4	0.55	13	1.18	0	0	22	2.64

Source: Field survey, 2022.

The following table 3 below depicts the possible factors that affect the exercise of police discretion in Case Investigation. These five (5) stated factors under this table and the result are as follows, the top factor is the Lack of Interest with a weighted average mean of 3.0; this factor is when a complainant is no longer interested in the case, it impedes the success of the investigation and later on it eventually becomes a waste of time on the part of the police. Next, the workload of

the investigation officer and the lack of human resources both got an average mean of 2.82; this is no longer a secret to the public. There is a lacking when it comes to the human resource of the organization, obviously because of the wide range of work of the PNP. In this scenario, only some of the cases filled in the Police station are being investigated on time; some are being delayed because the investigator usually acts on priority cases like drug cases, among others. Next is the seriousness of the offense, with a WAM of 2.78; lastly, "Palakasan System" is again the least in the rank with a WAM of 2.77. The "Padrino system" or "Palakasan system" includes the Filipino bilateral kinship system wherein the patron-client relationship takes Place. This system accentuates the importance of the Filipino ideology of family relations, most commonly in the making of political decisions. In the radiating bilateral networks of ritual kinsmen and kinsmen, an individual necessarily comes along with selective personal alliances to negotiate his way to get the favored (Wong, 2018). In the study of (Sondhi, 2000) on a similar issue regarding the use of the "Patronage system," it was found that this system indeed aspects the wider aspect of the government. In India, political patronage is one of the causes of corruption. Many corrupt practices that afflict the nation's political, economic, and social activities spring from this source of corruption. Regional, caste, language, and other protest groups have laid the foundation for post-independence political leadership. In the Philippine setting, it is wise to note that the spread of the political patronage or "Palakasan system" has not reached the levels of law enforcement as to their exercise of Police discretion as perceived by the Sorsogon City Police.

**Table 3. Case investigation 5 – Strongly Agree, 4- Agree, 3 - Fairly agree, Disagree – 2, Strongly Disagree – 1**

Case Investigation	5		4		3		2		1		Total	
	F	X <sub>5</sub>	F	X <sub>4</sub>	F	X <sub>3</sub>	F	X <sub>2</sub>	F	X <sub>1</sub>	F	WAM
<b>Work-load of the investigation officer.</b> (Too many work-loads delays or impedes the case investigation)	0	0	6	1.09	6	0.82	10	0.91	0	0	22	2.82
<b>Lack of interest.</b> (When the complainant is no longer interested in the case, it impedes the investigation and becomes a waste of time to the police.)	0	0	8	1.45	6	0.82	8	0.73	0	0	22	3.0
<b>The seriousness of the offense.</b> (Less serious offenses are sometimes settled amicably instead of putting it to investigation effort.)	0	0	6	1.09	6	0.82	9	0.82	1	0.05	22	2.78

<p><b>“Palakasan System”.</b> (Attachment of the client with high-ranking officials, and political personalities, among others, affects the discretion of the police on whether to start the investigation or not.)</p>	0	0	6	1.09	5	0.68	11	1.0	0	0	22	2.77
<p><b>Lack of Human Resource and number of cases.</b> (Lack of human resource and huge number of cases to be investigated, affects the discretion of the police whether to push through the investigation effort)</p>	0	0	6	1.09	6	0.82	10	0.91	0	0	22	2.82

Source: Field survey, 2022.

Table 4 depicts the possible recommendations to address the given factors as perceived by Sorsogon City Police. There are nine (9) stipulated recommendations and the top recommendations, as perceived by the Sorsogon City Police, are, the strong enforcement and implementation of the law on crimes which strongly implies that strict adherence to the rules of law is the best policy. The rules of law shall always guide police discretion therefore, it shall not be blurred by any factors. The next top recommendation, as perceived by the Sorsogon City Police, is that the organization shall be responsible for awakening the Patriotism in each person in the department; truth be told, in the many years that passed, the keeper of the peace sometimes are the very cause of destruction and chaos of the land. There are times when the police officers themselves are the ones involved in the commission of an offense, they forget who they are and their oath to the country. If patriotism is always ignited in their hearts and minds, they will always choose to act upon the righteous.

In the study of Inzunza (2022) it was revealed that the victim and police relationship is vital; in his cited study, it was highlighted that there is more success in the investigation when the victim and the police cooperate with each other. This connotes that victims' interest is really vital to the success of the case investigation.

While the part of being understaffed, all institutions, whether commercial, academic, or governmental, are fundamentally social systems. These businesses are managed by humans. These organizations' operations depend on how people conduct their business. Human behavior is both conditioned and incredibly unpredictable. The entire workforce of a corporation is made up of its human resources. Identification, selection, induction, training, facilitation, and monitoring of competent individuals to operate at a high degree of efficiency fall within the purview of human resource management, which also provides mechanisms to ensure that they continue their affiliation with their business. The police force is, therefore, not an exception. Since a police agency provides direct services to society and is in charge of its citizens' protection, HRM is of the utmost significance. The current

workplace culture will be improved by police officers who are qualified, well-trained, highly motivated, and led by competent superiors (Goranov, 2019).

While these factors that are listed above are present in the police organization, this could be applicable to some, but this could also not be the same situation with other police stations. It is wise to take note that these factors are to be treated as a guide to elevate police service for the betterment of the community.

**Table 4. Recommendations offered to address the given factor, 5 – Very urgent, 4 – urgent, 3 - Fairly urgent, 2 – less urgent, 1 – not a solution**

Recommendations Offered	5		4		3		2		1		Total	
	F	X <sub>5</sub>	F	X <sub>4</sub>	F	X <sub>3</sub>	F	X <sub>2</sub>	F	X <sub>1</sub>	F	WAM
Strict adherence and compliance of the Law on CICL (Child in conflict with law).	0	0	19	3.45	1	0.14	1	0.09	1	0.05	22	3.73
Strong enforcement and implementation of the law on crimes. Petty crime/s violators should be arrested and file a case if applicable, in order to be a deterrent measure for future violation.	0	0	19	3.45	3	0.41	0	0	0	0	22	3.86
The organization shall be responsible in awakening "Patriotism" in each personnel of the department. Inculcating what is their sworn duty and that it must be served by all means. And the organization shall ensure to give the human resource needed for the conduct of arrest.	0	0	19	3.45	2	0.41	0	0	0	0	22	3.86
Adherence to the rules of law shall be the paramount structure of Police officers. Non-partisanship shall be exercised all the time both in conduct of arrest or case filing.	0	0	19	3.45	1	0.14	2	0.18	0	0	22	3.77
In order to avoid conflict of interest or influence the arrest, investigation or the filing of the case when the involved individual is a relative, ensure that case or arrest shall be handled by that of different officer and the latter will be free from biases.	0	0	18	3.27	3	0.41	1	0.09	0	0	22	3.77
The organization shall ensure the welfare of its personnel, accounting for its need for human resource. Especially in the investigation department wherein there are huge numbers of cases to be filed and investigated, but human resource is lacking. A huge number of work-loads upon the personnel deteriorates his/her effectiveness and efficiency at work.	0	0	18	3.27	3	0.41	1	0.09	0	0	22	3.77





The organization shall formulate or implement the standard operating procedure for clients who are mentally ill. Trainings in handling mentally ill clients should also be considered.	1	0.23	16	2.91	3	0.41	0	0	2	0.09	22	3.64
Mediation or amicable settlement shall be legally acknowledged by the organization as a lawful resolution and shall not put police officers in a situation where their exercise of discretion is being questioned in doing such mediation or settlement instead of arrest.	1	0.23	12	2.18	6	0.82	0	0	3	0.14	22	3.37
Conduct of regular enhancement course on matters regarding update of laws, investigation, and case filing. Technical skills enhancement course should also be considered.	1	0.23	14	2.55	5	0.68	1	0.09	1	0.05	22	3.6

Source: *Field survey, 2022.*

## CONCLUSION

This study shed light on police discretion issues in Sorsogon City. Among the main findings in this study are; In the exercise of police discretion, the length of service of the police has a possible effect on the exercise of their discretion. It could be the longer they are in the service and their office of assignment might have added to their encounter with situations wherein their exercise of discretion was put to the challenge. There are indeed factors that affect the exercise of police discretion but they are all on the part of the client. An example is the client's interest in the case to pursue the investigation, and the geographical location of suspects in conducting arrest. Lack of human resources is also one of the highlighted findings in this study, it is a prevailing factor that impedes police work. As stated, this research can lay down the possibility that the length of service of police officers affects their exercise of discretion. It could further be explored if it is indeed a factor. This research topic is also best to be adopted or studied in general. This could be beneficial in exploring the factors that affect the exercise of police discretion in your places. It could help the police organization to assess their status of discretion. Likewise, it could be a tool for exploring new rules to be implemented in police work. As it is hard to act in situations without concrete rules, thus it calls for sound discretion.



## RECOMMENDATION

The following recommendations are made from the study:

1. Strict adherence and compliance with the Law on CICL (Child in conflict with the law).
2. Strong enforcement and implementation of the law on crimes. Petty crime/s violators should be arrested and filed a case if applicable, in order to be a deterrent measure for future violations.
3. The organization shall be responsible for awakening “Patriotism” in each personnel of the department. Inculcating what their sworn duty is and that it must be served. And the organization shall ensure to give the human resource needed for the conduct of arrest.
4. Adherence to the rules of law shall be the paramount structure of Police officers. Non-partisanship shall be exercised all the time, both in the conduct of arrest or case filing.
5. In order to avoid conflict of interest or influence the arrest, investigation, or filing of the case when the involved individual is a relative, ensure that the case or arrest shall be handled by a different officer and the latter will be free from biases.
6. The organization shall ensure the welfare of its personnel, accounting for its need for human resources. Especially in the investigation department, wherein there are huge numbers of cases to be filed and investigated, but the human resource still needs to be improved. A huge number of work-loads upon the personnel deteriorates his/her effectiveness and efficiency at work.
7. The organization shall legally acknowledge mediation or amicable settlement as a lawful resolution. It shall not put police officers in a situation where their exercise of discretion is being questioned in doing such mediation or settlement instead of arrest.
8. Conduct of regular enhancement courses on matters regarding updates of laws, investigations, and case filing. Technical skills enhancement courses should also be considered.

## LIMITATIONS OF THE STUDY

This study is limited explicitly to the Sorsogon City Police Station of Sorsogon City, Philippines. Other nearby police stations within the province or region are not included. As to the parameters set in this study with the factors listed that possibly affect the exercise of police discretion, other possible factors not mentioned are clearly an exclusion to this undertaking. Hence, it could be a different avenue of factors to be studied.

### **Data availability**

Necessary data are available upon request to the author.

### **Declaration of competing interest**

The author declares that there are no competing interests in this work.

### **Grant information**

The author declares that this work was not supported by any grants.

### **Ethical statement**

In the conduct of this study and to gather the best result possible, the researcher ensured the clarity and privacy of things related to the conduct of this study, especially since the researcher is fully aware of the delicate nature of police work. The research ensured that the respective respondents have read and



comprehended before signing the consent letter that, assures for the voluntary nature of their participation. The researcher also ensured that during the duration of the study, specifically during the data gathering, no single person was harmed or put in discomfort. The researcher vouched for the assurance that the data collected and the respondents' identity are kept private and only the researcher and other necessary persons involved in the study, like the statistician, will be able to glance or see the data gathered.

The researcher by no means would not coerce an unwilling respondent to participate in the study. Only those who submitted themselves voluntarily are the ones included. Rest assured that the data and information collected from this study are kept in a coded database only accessible to the researcher.

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