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**MINUTES OF A MEETING OF THE  
BOARD OF DIRECTORS OF  
AMERICANS FOR EFFECTIVE LAW ENFORCEMENT,  
NOVEMBER 8, 1991**

The Annual Meeting of the Board of Directors was held, pursuant to sufficient November 8th, 1991. The meeting was called to order at 11:30 p.m. in Room C University Club, Monroe and Michigan streets in Chicago.

The following directors were present:

- Arthur H. Daniels, AELE Treasurer, and
- Charles A. Gruber,
- Fred E. Inbau, AELE Chairman, and
- Daniel B. Hales, AELE President,

Also present:

- Bernard J. Farber, AELE Publications Editor
- William K. Lambie, AELE Trustee
- Harry Mahoney, Guest [Later a Trustee]
- James P. Manak, AELE Amicus Advocate
- Glen R. Murphy, AELE Advisory Board
- Emory A. Plitt, AELE Trustee, and
- Wayne W. Schmidt, AELE Executive Director.
- Richard N. Williams, AELE Lecturer [arrived at Noon]

The following directors were absent:

- George P. Graves, and
- Clarence E. Molloy, Vice-President.

Mr. Schmidt acted in his capacity as Secretary to take the Minutes. Mr. Daniels Minutes of the special meeting of Feb. 20, 1991 be adopted, as distributed; the carried.

Mr. Schmidt asked Mr. Mahoney to discuss the AELE - BII National Task Force and Dishonesty in the Workplace. There are currently 133 subscribers at \$48.00. Schmidt said he would not bill subscribers for 1992-93 renewals unless there was to undertake a purposeful program, and a commitment to write a useful publication has the time available for this activity.

Mr. Plitt then chaired the remainder of the meeting, which covered various police

**1. Capital punishment:** Mr. Manak was asked to prepare a policy statement on capital punishment and explore whether this could be jointly adopted by AELE, the International Association of Police [IACP], the National District Attorneys Assn. [NDAA], and the National Security Agency [NSA]. These other organizations regularly join AELE amicus briefs, and they associate in a joint policy statement on the death penalty.

**2. "Take no position" items:** It was agreed that AELE would take no position on the following items; those items marked with a < \*\* > indicates that there are one or more "sponsoring organizations" specifically organized for action on that topic.

Abortion \*\*

Attorneys' fee awards

Bail reform

Discovery of police files (send 1975 Position Paper #7)

Double jeopardy

Forfeiture proceedings (refer callers to Florida statutes)

Gun control \*\*

Habeas corpus reform

Indemnity laws

Law enforcement accreditation

Police officer bill of rights legislation

Pornography \*\*

Euthanasia

**3. Educational seminars:** There was a discussion of the current topics: police

(in general), critical incident liability, jail & prison legal issues, and discipline

should not advocate a particular association or agency's policies. AELE should endorsement of or identification with any organization's particular standards.

**4. Amicus program:** It was decided AELE should continue funding the entire and not seek monetary contributions from other parties to our briefs.

There was further discussion of our briefs in [Florida v. Bostick](#), [501 U.S. 429] (1991) and [Hudson v. McMillian](#), No. 90-6531, [503 U.S. 1] (argued this month). AELE argued that police should not confront bus passengers and ask permission to search belongings without a reasonable suspicion of narcotics trafficking.

In the Hudson case, AELE urged reversal of a Fifth Circuit ruling which said that police and corrections officers cannot be sued under 42 U.S. Code § 1983 for brutal injuries that are "substantial."

Mr. Schmidt said that in previous years, AELE simply declined to file a brief if it could not support the police for reasons of unprofessional behavior. Bostick announced a change in policy, where AELE took an affirmative stance against unprofessional behavior by officers. It was mentioned that the Solicitor General has also filed a brief in the case, agreeing with the AELE position, and urging reversal of the Fifth Circuit's decision.

Various members of the Board and the advisors present suggested, aside from the action AELE might take, that the organization's credibility is enhanced whenever AELE disassociates itself from unprofessional or illegal police activity.

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Mr. Schmidt discussed the case review mechanisms now used to screen cases for public participation. Several members of the Board suggested the informal arrangements be continued. It was also stressed that AELE should strive to maintain consistency wherever possible.

Most of AELE's briefs concern the "reasonableness" clause of the Fourth Amendment. The general view of the advisors was supportive of those positions.

**5. Emerging issues:** Mr. Schmidt indicated that after consultation with key members and advisors, he had issued a press release calling for a national statistical commission to investigate involved shootings, allegations of police misconduct and disposition of disciplinary actions.

written statements, rather than testimony before a Congressional committee where members might be present.

Mr. Schmidt stated his willingness to cooperate with the press and provide assistance except when a major incident (such as the Rodney King beating) could cause a flood of calls following a quotation or two in the major papers (NY Times, LA Times, etc.).

**6. Expert witness referrals:** Our policy is to recommend one to three experts to defense counsel. AELE publishes an Expert Witness Directory and it is sold to those who want to purchase it. No recommendations are given to plaintiff's counsel.

**7. Advice and research assistance:** AELE staff have always given callers research limited advice. The extent of the service is based on personal contacts (such as long-time subscribers) and time constraints due to other priorities. Moreover, Directors and Officers have a policy covering professional negligence with a \$250,000 policy limit.

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Mr. Schmidt indicated there have been a few instances (out of many thousands) who have abused this privilege, but most calls do not take a lot of time. Moreover, it is important to know what kind of problems are current for police executives and their attorneys; this is useful in structuring the topics addressed in our educational programs and publications.

**8. Future actions:** In general, the attendants expressed satisfaction with the meeting, which served a useful purpose. The consensus was that a policy meeting should be held at the next advance opportunity for attendants to add items to the agenda.

*Wayne W. Schmidt*

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Wayne W. Schmidt, Secretary

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