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MINUTES OF AN ANNUAL MEETING OF THE  
BOARD OF DIRECTORS OF  
AMERICANS FOR EFFECTIVE LAW ENFORCEMENT, INC.  
DECEMBER 4, 1992

An annual meeting of the Board of Directors was called for 12:00 pm on the 4th day of December, 1992 at the Boardroom of CEM Insurance, 1098 S. Milwaukee Ave., Suite 400, Wheeling, IL 60090.

**CALLING OF A QUORUM**

Those Board members present at the meeting were:

- \* Arthur H. Daniels
- \* George Graves
- \* Daniel B. Hales
- \* Fred E. Inbau, and
- \* Clarence E. Molloy

One Board member was absent, who is:

- \* Charles A. Gruber

Three others were present:

- \* William K. Lambie, Trustee
- \* Harry Mahoney, and
- \* Wayne W. Schmidt, Executive Director,

who moderated the meeting in his capacity as Corporate Secretary.

Fred Inbau introduced Harry Mahoney, and moved his election as a member of the Advisory Board and non-voting Trustee. The motion was seconded by George Graves, and passed 5-to-0.

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**AELE Minutes - Page 439****REELECTION OF DIRECTORS**

The following persons were reelected as voting members of Board of Directors and as Trustees of the corporation:

- \* Arthur H. Daniels
- \* George Graves
- \* Charles A. Gruber
- \* Daniel B. Hales
- \* Fred E. Inbau, and
- \* Clarence E. Molloy

## REELECTION OF OFFICERS

Mr. Schmidt read the list of current Corporate Officers; on motion of Mr. Hales and second by Mr. Graves, by a vote of 5-to-0, the following officers were reelected for 1993 or until their successors qualify:

- \* Fred E. Inbau, Chairman of the Board
- \* Daniel B. Hales, President
- \* Arthur H. Daniels, Treasurer
- \* Clarence E. Molloy, Vice President
- \* William B. Randall, Vice President
- \* Wayne W. Schmidt, Executive Director and Corporate Secretary
- \* Lisa M. Hackett, Business Manager and Staff Vice President, and
- \* James P. Manak, Amicus Advocate and Assistant Secretary

## REELECTION OF NON VOTING TRUSTEES

The Board accepted, retroactively, the resignation of Kenneth North as a Trustee and member of the Advisory Board. The Hon. LeRoy S. Zimmerman, former PA Attorney General was not renominated, because of a change in professional activity.

An automatic leave of absence was granted to the Hon. Emory A. Plitt, District Judge in Harford County MD, during his tenure as a judicial officer. As the Senior Lecturer on the AELE Workshop faculty, he would be accorded all privileges conferred on members of the AELE Advisory Board.

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The following persons were reelected as non-voting Trustees:

- \* Chief Carl R. Ball, Santa Fe Railway Police
- \* BG Arthur F. Brandstatter, FLETC (Retired)
- \* Chief Don R. Dering (Retired)
- \* Hon. Tyrone H. Fahner Esq. (former IL Attorney General)
- \* William K. Lambie, Esq., consultant
- \* Malcolm W. Martin, attorney, and
- \* Hon. Theodore L. Sendak (former IN Attorney General).

## APPROVAL OF PRIOR MINUTES

The Minutes of meetings of Board on:

November 8, 1991 [Pp. 430 - 434]  
March 13, 1992 [Pp. 435 - 436]  
August 19, 1992 [P. 437]

were previously distributed. On motion of Mr. Hales, and second by Mr. Inbau, those minutes were approved, with a non-substantive revision of the minutes of August 19, 1992, which will now appear in the Minutes as Page 437 (Amended).

## FINANCIAL MATTERS

The Executive Director distributed a current financial statement, including a projection of revenue, expenses and net income for 1992 and 1993. He distributed a list of corporate certificates of deposits, ready assets and other investments. He also gave a report on long-term investment strategies.

At Mr. Schmidt's suggestion, President Hales appointed an Investment Committee, consisting of himself, Mr. Daniels, Mr. Molloy and Mr. Schmidt. The committee would have the power to transfer money funds to either of the two real estate investments, if expenses for improvements or capital calls for remodeling so require.

Mr. Schmidt then discussed the economic condition of law enforcement agencies and the impact on AELE seminars and publications. He distributed a graph showing annual workshop profits for 1989-91 and projections for 1992-93.

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He indicated the Sarah Scaife Foundation has given AELE a final grant of \$25,000, paid in 1992, and for use in 1993. He also discussed the status of publications furnished Aon (formerly Markel Service) insured law enforcement agencies. He stated that Aon wanted to dramatically reduce the price paid for publications by approximately 30 percent.

Mr. Schmidt outlined a counter proposal to Aon. After discussion, the Board expressed a consensus that the proposal to Aon would be honored, if accepted by Aon, by December 15, 1992. The proposal would expire thereafter.

Finally, Mr. Schmidt raised the question of whether individuals should be resolicited for contributions in 1992. Mr. Inbau spoke against this; Mr. Lambie warned that we should not lose contact with contributors. It was decided the Executive Director would communicate with our member contributors, state that no contribution would be solicited in 1992, but mention that financial circumstances might require AELE to seek individual and corporate contributions in future years.

#### **STAFF COMPENSATION**

Mr. Schmidt recommended a 3.5% cost of living adjustment for the headquarters staff, including himself, our editor Mr. Farber, and the monthly fee paid Mr. Manak for locating cases for the publications. He further noted that since our annual profit for 1992 is estimated to be about half that for 1989, 1990 and 1991, his performance bonus for 1992 should be cut in half, from the \$20,000 paid for 1989, 1990 and 1991, to \$10,000 for 1992, to be paid before Dec. 31, 1992. Finally, he noted the corporation's retirement plan was terminated last March and the two participants (himself and Mrs. Hackett) are presently paid an additional 7.65% on all compensation, and that policy should continue. On motion of Mr. Hales and second of Mr. Inbau, the Board voted 5-to-0 to accept Mr. Schmidt's recommendations.

#### **DEATH PENALTY**

At the 1991 semi-annual policy meeting, staff was directed to prepare a revised death penalty resolution, and to corollate AELE policy with those of the National District Attorneys Association and the International Association of Chiefs of Police. On motion of Mr. Hales, the following Resolution and Commentary was adopted:

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Resolution 92-1

AELE reaffirms and restates its official position, first taken in 1977, that

Subject to appropriate constitutional and statutory safeguards, capital punishment is an appropriate and warranted punishment for certain homicides.

Official Commentary

"AELE supports legislation imposing the death penalty for the intentional killing of law enforcement, correctional and security officers, judges, prosecutors and other public officials and witnesses in criminal cases, when the murder was perpetrated to avoid apprehension, prosecution or conviction, or to escape confinement, or to revenge the offender's arrest or prosecution.

"AELE also supports legislation imposing the death penalty for murder in furtherance of terrorism such as the detonation of explosives, multiple assassinations, and death by torture of the victim.

"Reasonable measures should be taken to assure prompt appellate review of capital punishment sentences in state and federal courts. Habeas corpus and other remedies should be limited to prevent duplicate or parallel review of sentencing."

While the foregoing represents a policy statement, it should not be publicized in the form of a press release. Rather, the statement should serve as a guide for staff and Board members if they choose to respond to journalists.

AMICUS BRIEFS

Mr. Schmidt discussed the grant of certiorari in U.S. v. Padilla (decided below at 960 F.2d 854). After discussion, the Board reaffirmed the policy AELE originally adopted in 1979, prompting a decision not to file in U. S. v. Payner. Namely, "AELE will not support the prosecution if the police have acted in bad faith, or with deliberate indifference to a person's constitutional rights, and thereafter seek to support a conviction of another person on the basis of legal standing to challenge the underlying police misconduct." The Board expressed a strong consensus to retain our policy of not filing briefs in such cases.

Mr. Schmidt also discussed a civil appeal in a federal civil rights lawsuit, where the Kansas City MO police were sued for a negligent failure to protect the victims of a crime. Again, a consensus was expressed that we should not support cases where the underlying basis of an appeal is to avoid the payment of damages, unless the decision has or is likely to deter police activity leading to a more effective enforcement of the law.

CONTRACTUAL MATTERS

Mr. Schmidt announced that Judge Plitt plans to publish a quarterly periodical called the Correctional Law Quarterly or similar name. He wants AELE to service the billing of new and renewal subscribers. AELE now does this for two other publications, Employment Health Law & Benefits and the Fire and Police Personnel Reporter. These are serviced at an accountant approved rate of 150% of the salary cost for the AELE data entry operator. Mr. Daniels moved the arrangement be accepted. On the second of Mr. Hales, the proposed

arrangement was approved, 5-to-0.

Mr. Schmidt then discussed a proposed agreement to publish the Fire & Police Personnel Reporter in case of his death or disability. He offered a five-year contract between AELE and the corporation he controls that publishes that periodical. The agreement would provide, for a five year period following his death or permanent disability, or shorter period during a temporary disability, AELE would hire Mr. Farber or another writer and pay for the writing, printing, postage and all other costs, including the mailing of a sample issue every two years.

In return, AELE would get 100% of the revenue from all new subscriptions [most of these would result from the distribution of sample issues], plus 50% of the gross revenue from all renewal subscriptions. The Public Safety Personnel Research Institute, Inc. or successor, which is owned by Wayne Schmidt [or his beneficiaries, if deceased], would get the other 50% gross renewal income plus any and all investment income.

Mr. Molloy moved the corporation accept the proposal. Mr. Hales seconded the motion with a caveat; because AELE is a nonprofit organization, and it is illegal for any party to receive a monetarily benefit from an unjust contract, AELE would have the right to void the agreement or seek modification of the split of revenues, should publication expenses rise so high as to violate the "prudent man" investment and contract standards. Upon acceptance of the amendment, the motion was carried, 5-to-0.

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There being no further business, the meeting was adjourned at 1:45 p.m.

*Wayne W. Schmidt*

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Wayne W. Schmidt, Secretary

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