



Developing Constitutional & Effective Policies

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teach you at the
academy.**

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Letter From

Attorney Eric Daigle



Attorney Eric Daigle

PRINCIPAL

DLG
DAIGLE LAW GROUP, LLC

Policy and procedure development is a task even the most seasoned law enforcement executives find difficult. Knowing this, the objective of this paper is to hear from the experts, have them weigh in on the importance of effective policies and provide advice on the methodology necessary to achieve success. I know first-hand policy drafting is something they never taught you in the police academy or even in supervisory training programs. We've written this paper with this in mind and believe it will be a valuable resource for any law enforcement agency.

As an attorney who practices civil litigation in federal and state court, I am, too often, reminded how essential policy development is to the overall success and protection of municipal operations. I spend time with agencies all over the country analyzing the risks associated with their current policies and, through a process of examination, work to develop legally-sound policies based on the principles of proper law enforcement standards.

I can't tell you how many times I've had to defend a bad policy in court. When I consult agency leaders about this, I hear the same thing over and over again: "How do I do more with less?" and "How do I keep up with it all?" Even though times are tough and

budgets are tight, legal obligations do not change—we still have a legal obligation to ensure we are meeting the Monell standard of liability (more on that later).

We must work toward limiting inconsistencies, developing professional police practices and identifying why we do certain things. We must look outside our own operations to develop a methodology, application and process to create constitutional and effective policies. We must change the pattern of practice within our environment that provides the framework to reduce inconsistencies and provide a direction towards stability.

I'd like to thank the esteemed group of industry leaders who took time out of their busy schedules to join PowerDMS and me for a full-day Law Enforcement Policy Development Summit. Together, we shared experiences, gathered information and brainstormed best practices to provide the information contained within this paper. It's important we continue to have these thought-provoking conversations with those who have "been there, done that."

Sincerely,



Attorney Eric Daigle, Principal

Daigle Law Group, LLC

Biographies

Law Enforcement Policy Development Summit Panel

In the spring of 2015, the Daigle Law Group and PowerDMS began this project by identifying, evaluating and collecting examples of best practices related to policy writing.

Based on their review, they hosted a select group of law enforcement industry experts for a Law Enforcement Policy Development Summit. These individuals joined together to identify accepted and recommended practices to develop and distribute policies and procedures, ensuring effective and constitutional operations.



Dorothy Burk, Senior Assistant General Counsel

ORANGE COUNTY SHERIFF'S OFFICE

Attorney Burk started her career as a prosecutor in the State Attorney's Office for the Ninth Judicial Circuit in Orlando, Florida. Shortly after, she joined the City of Orlando where she spent 15 years as an Assistant City Attorney and Police Legal Advisor. Since 2000, she has been the Senior Assistant General Counsel at the Orange County Sheriff's Office—one of the largest agencies in the southeast with over 2,400 sworn and civilian employees.

Joe Carter, Captain

ORANGE COUNTY SHERIFF'S OFFICE

Since 1990, Captain Carter has held numerous leadership roles with the Orange County Sheriff's Office, including fourteen years on the SWAT team with four years as a SWAT Team Leader. He currently serves as the Captain of the Quality Assurance Section where he is the liaison to the Sheriff's Citizens Advisory Committee and oversees the agency's Research and Development, Accreditation, Staff Inspection and Policy Coordination units. He is also the Commander of the Critical Incident Management Team.

Attorney John M. (Jack) Collins, Legal Advisor & Former Chief of Police

EDGARTOWN POLICE DEPARTMENT

Until recently, and since 1974, Attorney Collins has been the general counsel for the Massachusetts Chiefs of Police Association. He held a similar position, until the end of 2010, with the association's charitable non-profit, research and training affiliate, the Municipal Police Institute, Inc. In these roles, Attorney Collins drafted sample policy and procedure manuals adopted by the vast majority of Massachusetts police departments. A former assistant district attorney, Attorney Collins frequently lectures at police administration training programs across the U.S. and Canada. He has been an expert use of force and policy witness in Civil Rights cases, has served as chair of the International Association of Chiefs of Police (IACP) Legal Officers Section, has represented dozens of municipalities as labor or town counsel, and has published dozens of manuals and hundreds of articles on police administration issues. At the time this paper was produced, he was serving as the chief of police while conducting an evaluation and making recommendations for selecting a permanent chief and re-organizing the Edgartown Police Department on Martha's Vineyard.

Attorney Eric Daigle, Principal

DAIGLE LAW GROUP, LLC

Attorney Daigle practices civil litigation in federal and state court, with an emphasis on municipalities and public officials. He focuses on civil rights actions, including police misconduct litigation and employment actions. Attorney Daigle acts as legal advisor to law enforcement agencies across the country, providing legal advice to command staff and officers in the areas of legal liability, policy development, employment issues, use of force, laws of arrest and search and seizure. He currently serves as member of the Federal Independent Monitoring Team for the City of Oakland Police Department in California. Attorney Daigle works as a management operations consultant and expert witness for law enforcement pattern and practice abuse. He has worked as a police practices consultant for the Virgin Islands Police Department and the Puerto Rico Police Department, which are under a federal consent decree by the U.S. Department of Justice. Attorney Daigle acts as a consultant with multiple departments across the country to revise and develop department policies; provide daily operational legal advice; evaluate and revise use of force and internal affairs operations, accreditation standards and employment operations procedures. Attorney Daigle is general counsel for the FBI-Law Enforcement Executive Development Association; general counsel for the New England Tactical Officers Association; vice chairman for the IACP Legal Officers Section; and is on the IACP Civil Rights Committee. He is a former member of the Connecticut State Police and currently maintains his certification as a reserve officer.

Neil Dryfe, Chief of Police

CHESHIRE POLICE DEPARTMENT

Chief Dryfe began his law enforcement career in Hartford, Connecticut in 1990. He rose through the ranks of the Hartford Police Department, serving as a police officer, sergeant, lieutenant, deputy chief and assistant chief. He held a variety of assignments including extended periods as the public information officer and the commander of the Internal Affairs Division. He retired from the Hartford Police Department in December 2010 and was sworn in as the seventh chief of the Cheshire, Connecticut Police Department in January 2011. Chief Dryfe is a member of the Connecticut Police Chiefs Association, the International Association of Chiefs of Police and the Police Executive Research Forum.

Steve Hebbe, Chief of Police

FARMINGTON POLICE DEPARTMENT

After a stint in the Army National Guard, Chief Hebbe joined the Anchorage Police Department in 1990, where he served as an officer for 10 years and was then promoted to sergeant and later lieutenant. He served as technical services commander over dispatch, evidence and records, midnight shift commander and commander of internal

affairs. In 2011, he was named deputy chief and spearheaded efforts to reduce DUI fatalities and sexual assaults, as well as led efforts to revise use of force policies. In 2014, he joined the Farmington Police Department in New Mexico as chief of police and focuses on greater outreach to the Navajo Nation and expanded community engagement.

Carrie Hill, Esq.

CRIMINAL JUSTICE CONSULTING

Attorney Hill has been actively involved in corrections for over twenty-five years. Since leaving her position as general counsel for the Utah Department of Corrections, she has focused on providing training and consulting on national, regional, state and local levels for a variety of private and public entities, such as the American Jail Association, Americans for Effective Law Enforcement, Institute for the Prevention of In-Custody Death, National Institute of Corrections and National Sheriffs' Association. Attorney Hill provides experienced guidance in the form of legal advice, expert witness services and legal consultation for correctional facilities. She is also the former editor of *Corrections Managers' Report*.

Attorney Lisa Judge, Legal Advisor

TUCSON POLICE DEPARTMENT

Immediate Past-Chair

IACP LEGAL OFFICERS SECTION

Attorney Judge is principal assistant city attorney for the City of Tucson and has been assigned as a legal advisor for the Tucson Police Department since 1996. She is the immediate past chair of IACP's Legal Officers' Section and the Legal Advisor's Association of Arizona. Attorney Judge is a member of the IACP National Law Policy Center Board, which promulgates model policies for law enforcement agencies. She is also a member of the Arizona Peace Officer Standards and Training Subject Matter Expert group, which provides review and circulation of training materials in the areas of criminal law and legal instruction.

Troy Pearson, Lieutenant

ORANGE COUNTY SHERIFF'S OFFICE

Lieutenant Pearson joined the Orange County Sheriff's Office, in Orlando, Fla., as a deputy sheriff in 1979. Currently, he is the accreditation manager for both CALEA and CFA accreditations, achieving reaccreditation via a Gold Standard Assessment. Both processes received numerous awards including, The Excellence Award, Advanced Meritorious Award and recognition as an Excelsior Agency at the state level. Other responsibilities currently

include staff inspections and policy coordination. During his 35-year career, which included eight years with the El Paso County Sheriff's Office in Colorado Springs, in addition to uniform patrol experience, including watch command, he has been selected for many specialty assignments, including underwater search and recovery team commander, critical incident management team, tourist-oriented policing, intelligence/JTTF, mountain bike patrol unit, sex crimes supervisor and forensics unit supervisor.

Ralph Price, Deputy Chief & General Counsel

CHICAGO POLICE DEPARTMENT

Deputy Chief Price has served as the general counsel for the Chicago Police Department since February 2011. He is the chief legal officer for the department and the legal adviser to Superintendent Garry F. McCarthy. He provides guidance and direction on policy, labor, legislative and other legal matters arising within the Chicago Police Department. He oversees the Office of Legal Affairs, Intergovernmental Affairs Section, Freedom of Information Section and the Management and Labor Affairs Section. Prior to serving as the general counsel, Deputy Chief Price was selected to create an entirely new, innovative and responsive Intelligence Section for the Chicago Police Department. Under his command, the Intelligence Section successfully investigated and prosecuted several cases related to homeland security threats and the largest organized retail theft case in Chicago history. From 2005 through 2008, he served as the commander of the largest police district in Chicago.

Charles Reynolds, Retired Chief of Police & Consultant

Mr. Reynolds's police career spans over 50 years, including 26 years as chief of police. He has held numerous leadership positions with IACP, Commission on Accreditation for Law Enforcement Agencies, Americans for Effective Law Enforcement, New Hampshire Police Standards & Training Council and the National Association for Civilian Oversight of Law Enforcement. Mr. Reynolds has consulted on police organizational and management issues, including consent decrees, in eighteen states and internationally. He has served his community in various capacities, including acting city manager, mayor, city council member, and chair of the ethics and parking commissions. He is a certified force science investigator and a police practices expert for the Civil Rights Division of the U.S. Department of Justice.

Lt. Colonel Frank Rodgers (Ret.), President

THE RODGERS GROUP, LLC

In 2007, after 25 years of service, Lt. Colonel Rodgers retired as the deputy superintendent of the New Jersey State Police. While serving in the second highest ranking position, he led the investigations branch consisting of over 900 detectives, analysts and scientists assigned to 57 different units, with an annual budget over \$75 million. During his tenure, he directed the development of the *Practical Guide to Intelligence Led Policing*, which was published by the Center for Policing and Terrorism at the Manhattan Institute and adopted by the DOJ as a national model for conducting law enforcement operations. In 2008, Lt. Colonel Rodgers formed his own private consulting company. The company has been contracted to develop policy and provide customized training services to hundreds of law enforcement agencies.

Michael Whalen, Consultant & Retired Chief of Police

DENNIS POLICE DEPARTMENT

Retiring after 38 years in law enforcement, Chief Whalen is currently a consultant with Daigle Law Group and BadgeQuest, Inc. He spent 18 years as the chief of police for three agencies—Connecticut State Capitol Police, Farmington, Connecticut Police Department and Dennis, Massachusetts Police Department. He spent the first 20 years of his law enforcement career as a police officer with the City of Hartford. During his 18 years as a police chief, Chief Whalen completed over 40 state or national accreditation on-sites. He also served as president of the Capitol Region Chiefs of Police Association and the Cape Cod Regional Law Enforcement Council. Chief Whalen enjoyed a short career as an attorney representing police officers and police agencies in state and federal court. He was recently certified as a force analyst through the Force Science Institute.

Introduction

Purpose of this White Paper

In law enforcement, policies should be a roadmap providing guidance for every level of staff conducting themselves in a safe, consistent and legally defensible manner. In fact, the Department of Justice (DOJ), in multiple settlement agreements or consent decrees currently in effect across the country, specifically provides guidance to police departments on the importance of proper policies.

A common theme in DOJ investigative reports is the finding, "clear and well-drafted policies are essential to assuring constitutional police practices."¹ These agreements suggest policies should reflect and express the department's core values and priorities, and provide clear direction to ensure officers lawfully, effectively and ethically carry out their law enforcement responsibilities. Law enforcement agencies must continually monitor and develop policies and procedures that ensure effective and constitutional policing. They should be developed based on professional thinking, court decisions and statutes.



Policies and procedures are the first line of defense against risk for any agency. If an agency is sued for an incident involving an officer, it is extremely important to be able to show a policy was in place providing direction, and that the employee was trained in the proper practices associated with the policy. A plaintiff could establish liability by proving the alleged unconstitutional actions resulted from the execution of a formal policy officially adopted by the agency.

Policy and procedure development has been recognized as an essential part of police operations for four decades. Law enforcement historians point to the Kerner Commission, organized under President Johnson's administration in 1967 after the race riots in Detroit and Washington DC, to identify the need for clear and effective policies.² In 1987, the International Association of Chiefs of Police (IACP) established the National Law Enforcement Policy Center. The objective of the Center was to assist law enforcement agencies across the country in the critical and difficult task of developing and refining law enforcement policy.

Organized under the direction of a broad-based advisory board of recognized law enforcement professionals, the Center has carried out its mission through the development of a variety of model law enforcement policies. Each model incorporates research findings, input of leading subject matter experts and professional judgment of advisory board members who have combined this information with their extensive practical field and management experience. The end product is some of the best contemporary thinking in the field. These policies are used as guides assisting law enforcement agencies in validating their policies are in line with contemporary policing.³

To build on the mission of IACP, PowerDMS, in partnership with the Daigle Law Group, assembled a diverse group of law enforcement attorneys, retired and current chiefs of police, accreditation managers and industry experts for a Law Enforcement Policy Development Summit. The outcome of the summit is this white paper, designed to aid law enforcement agencies throughout the country with the development and implementation of legally defensible policies.

All law enforcement agencies are different: whether the difference is size, geography, local law or leadership, there are always numerous differences. With this in mind, not all policies will be (or should be) one size fits all. This paper is a general guideline—a starting point—for creating the appropriate policies to meet specific needs. Policy and procedure manuals are living documents requiring constant maintenance. Various policies should be updated as the agency experiences changes in the law or professional best practices. No matter what, policies should be thorough, well thought out and an important part of any operation. Throughout this paper, policies and procedures are both referenced. Readers should understand a comprehensive manual includes both policy and constitutionally-based procedures, providing enough detail to guide an agency appropriately.

The "one thing" they didn't teach in supervisory training at the police academy is what will be covered in this paper. It is written to assist any law enforcement agency in the development of their guiding documents.

Meeting Monell Liability

From day one, law officers are told how important policies are for their protection and the protection of the agency. It may not be until they become a supervisor, chief of police, sheriff or public safety director, that they truly understand why this is true. Understanding the foundation of how policies work to protect an agency and its members is an important first step in the process. The foundational implication requires understanding of the U.S. Supreme Court holding in *Monell v. Department of Social Services*, 436 U.S. 658 (1978).

In this case the Supreme Court held that government is a “person” that can be sued under Section 1983 of Title 42 of United States Code, and a civil action for deprivation of rights applies to municipalities and local governmental units when policies or official procedures are responsible for a violation of federally protected rights.⁴ Simply put, having a policy in place is not enough. To protect individuals’ constitutional rights, agencies are obligated to ensure they are meeting *Monell* liability standards in areas of policy, training, supervision, investigating misconduct and discipline. The foundation of this principle is to ensure policies provide clear direction to guarantee officers lawfully, effectively and ethically carry out their law enforcement responsibilities.

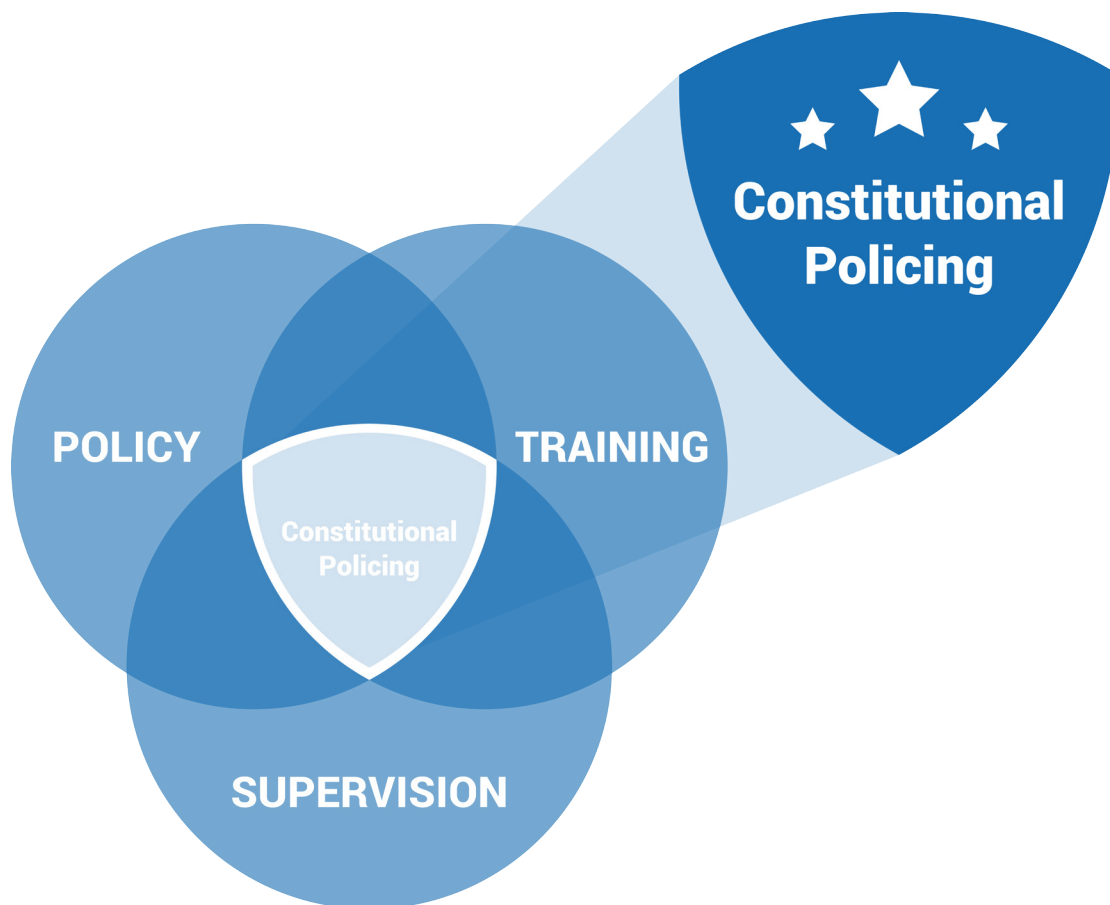
In order to successfully claim a *Monell* violation, the plaintiff must establish liability by proving the alleged unconstitutional actions resulted from the execution of a formal policy statement or regulation that was officially adopted by the agency. In the eyes of the court an official policy is fairly easy to discern. It is usually found in an agency’s guiding documents. The court has interpreted that a policy is an official document, a deliberate choice of a guiding principle or procedure, made by the municipal official who has final authority regarding such matters.⁵

BASED ON THEIR EXPERIENCE, THE POLICY SUMMIT PANEL BELIEVES POLICIES MAY BE INEFFECTIVE FOR THESE REASONS:

- Too many guiding documents creating conflicting information and ambiguity (Documents may include policies, procedures, general orders, SOPs, rules and regulations, chief’s memos, training bulletins and directives.)
- Lack of clarity and structure when it comes to key guiding principles
- Failure to clarify the department’s position or policy on core values and priorities
- Failure to define key terms utilized in the policy
- Failure to identify and write policies that are easy for the intended audience to comprehend and implement
- Not utilizing subject matter experts in a department to ensure policy is correct
- Failure to utilize proper samples from reputable institutions, such as IACP, PERF and state model policies; contemporary research papers on subject matter; and accreditation standards and consent decrees
- Failure to do necessary research, leading to policies that could be contrary to local, state or federal law, or industry best practices
- Failure to have policies reviewed by legal counsel with knowledge of law enforcement legal concerns
- Failure to keep policy and procedures relevant by not reviewing them on a regular cycle

Policies Are Not Enough

While policies are a key linkage to effective and constitutional policing, by themselves they are not enough. Departments must consider the whole picture. For over a decade, the Daigle Law Group has been advising law enforcement agencies on the three critical pillars that must be in place. These three pillars linking the operational standards of the department together are policy, training and supervision.



Once a department's policies and procedures are scrutinized, the subsequent focus will be placed on what kind of training they provided on the policy. The failure to train standard states departments must train their officers in all subject areas where it is reasonably foreseeable that the officer's action could lead to a constitutional violation.⁶ The plaintiff will be required to identify any particular deficiency in the training program and prove the alleged deficiency caused injury. In addition to having a proper policy in place, and conducting the appropriate training on the policy, it is imperative supervisors hold officers accountable for both.

Protecting Against Deliberate Indifference

Proper policies, training and supervision protect agencies against deliberate indifference. Deliberate indifference has been defined by courts as a choice made from various alternatives: knowing choice, usually made with some state of mind; and choice made with some knowledge or appreciation of what the consequences of the choice will/might be.⁷ Knowing policies are not updated and therefore inaccurate, could show deliberate indifference.

The seminal case for deliberate indifference is *City of Canton, Ohio v. Harris* 489 U.S. 378 (1989), where police officers failed to provide the detainee, Geraldine Harris, with necessary medical treatment while she was in police custody. The court found under certain circumstances, a municipality could be held liable for a violation of constitutional rights resulting from the department's failure to train its officers. Inadequacy of police training may serve as the basis for liability only where the failure to train amounts to deliberate indifference.

The issue of deliberate indifference applies to policies and procedures.

TO ENSURE THEY ARE PROTECTED, AGENCY LEADERSHIP NEED TO ASK THEMSELVES THESE QUESTIONS:

- Is it reasonably foreseeable that department personnel will be required to complete a particular task?
- Is this task one that can result in injury or violation of protections provided to citizens through the federal or state constitutions or federal, state or local law?
- Has the department provided appropriate guidelines to its employees through documented policies and procedures and have officers been properly advised?
- If there are documented policies and procedures to cover these areas, are they routinely reviewed and updated to insure they meet current legal standards and best business practices?

If yes is not the answer to all these questions, the agency exposes the municipality to civil liability. Failure to address policies and maintain the proper standards with legal holdings, general police practices and manufacturer warnings, could be deemed deliberate indifference.

Section 1

Evaluating Current Status of Policies

The panel of policy development experts pointed out that in most instances, policies are not reviewed until a new chief joins an agency. Even then, they don't have the capacity, budget or resources to ensure policies are consistent with generally accepted practices.

Leadership often looks outside of their agency for help with this endeavor, relying on inexperienced attorneys or others to write their policies. There is a danger here since these outside resources are not familiar with industry standards and law enforcement operations. They are not effective in protecting the operations of the department.



I can always tell how long a police chief has been in the role at an agency by the date of content in, and status of, their policies. If policies have not been revised in over five years, I assume the police chief is probably close to retirement or leaving the agency. He's saving the task of policy revisions for the next chief coming in the door. It's the reality."

Attorney Eric Daigle

PRINCIPAL, DAIGLE LAW GROUP, LLC

The first step in evaluating policies is preparing for the job ahead. Writing new, or updating existing, policies cannot be looked at as one project. More often than not, a policy and procedure manual includes over 100 policies. The assessment and development of this many policies is a huge project, which could take over a year with someone working on it full time. The panel recommends focusing on the policies causing the most liability concerns, or what are often referred to as high liability and low frequency incidents.

The second step is putting together a game plan for addressing current policies and conducting a self-assessment. The President's Taskforce for 21st Century Policing and the DOJ's report on Ferguson referenced this self-assessment process. The panel agrees it is important to review current practices and policies as part of the policy development process.

THESE QUESTIONS ARE HELPFUL IN A SELF-ASSESSMENT AND WHEN IDENTIFYING WHICH POLICIES SHOULD BE LOOKED AT FIRST:

- When was the document originally prepared?
- When was it last updated?
- Has the department issued chief's memos or directives amending the original document?
- Have there been changes in state and/or federal law since the document was prepared?
- Has there been a change or enhancement of industry standards?
- How does current training compare to the written directive?
- Does the document accurately reflect how work is being done at the agency?
- Does the document reflect best business practices?
- Does the agency have a way to keep track of what has changed?

Documents Guiding an Agency

Across the country law enforcement agencies are guided by a large amount of documents and it is rare for two agencies to have identical documents. It is not atypical for officers, and other employees, to be unfamiliar with their agency's guiding documents or even know where to find them. The panel said they see this all too often and question, *"Why are there so many guiding documents?"*

GUIDING DOCUMENTS CAN INCLUDE:

- General orders
- Policies and procedures
- Standard operating procedures
- Rules and regulations
- Directives
- Training bulletins
- Chiefs orders or memos

The point of guiding documents is to clearly identify the procedures defining how officers are expected to act. With so much information lurking in various documents, it is unrealistic to think officers are reading, comprehending and retaining all of what they need to do their job correctly.

THE PANEL RECOMMENDS ASKING THE COMMAND STAFF:

- Do we want or require so many guiding documents?
- Is there a benefit to having one manual?
- How do the “unofficial policies” compare to what is written? In other words, is what we do in the field reflective of what is written in our guiding documents?

The task will not be easy, but the panel suggests working towards one policy and procedure manual.



If you want to succeed with one policy and procedure book you need the ability to be nimble. We've gotten really good about quickly updating our general orders."

Attorney Lisa Judge

LEGAL ADVISOR, TUCSON POLICE DEPARTMENT

Policy Management as an Indicator

The way policies are stored and distributed is a good indication of when they were created and how valid they are today. If an agency has a current policy manual with an index, the panel suggests using this as a guide. It sounds simple, but in the self-assessment process they suggest starting with the index. When evaluating the current state of policies and procedures, an agency should see how quickly they can 1) find the index, and 2) locate something essential, like a use of force policy. If a policy this important cannot be produced immediately, it is safe to say the current system is not working.

Electronic document management has come a long way and can help alleviate this issue. With robust software solutions there is no reason an agency should be authoring their most important documents by sending emails back and forth, while losing track of what version is where and who wrote what. Hard copies of policies no longer have to be handed out to officers and returned (or not returned) with signature. They no longer have to be filed in a cabinet, in a room, full of more of the same. This old method is time consuming, expensive and extremely risky.



The first thing I always look for when evaluating current documents is an index. If you can't find the policy you are looking for quickly, what good is it? Everything needs to be quickly accessible. After I look for the index, I look for high liability policies."

Charles Reynolds

RETIRED CHIEF OF POLICE & CONSULTANT

Another concern is preparing for discovery requests related to policy and training. Agencies are often asked to show every version of a particular policy and prove whether or not an individual officer has read and understood it. An electronic document management solution includes version tracking and signature attestation that is easily and quickly accessible, and can be delivered in minutes (not days) when requested.



Knowing what I know now, one of the ways I would evaluate whether or not policies need to be updated is to ask 'Is it still a piece of printed paper located somewhere?' If it is still a printed manual stuck in a file somewhere, I am going to be worried. New officers know technology. They are used to it. It is familiar to them. The days of handing out binders full of paper are gone. I'd advise an agency to rewrite things that are not available electronically. You can't trust it. It has to be electronic and readily available."

Neil Dryfe

CHIEF OF POLICE, CHESHIRE POLICE DEPARTMENT

Section 2

Developing Proper Policies and Procedures

After a self-assessment and evaluation of the current state of guiding documents, the hard work begins. Agencies will have to determine who is responsible, what resources are available and what structure is best. Creating new policies is a huge undertaking for any department, but one that will pay big dividends in the end.

Forming A Policy Development and Review Team

Determining who will be involved in the policy development process, and how, is imperative. The panel suggests choosing one individual to serve as the project manager. This person will not necessarily be responsible for researching or writing the policies, but they will be responsible for shepherding the project. The panel also suggests, that when a project manager is selected, the CEO of the organization send out a notification that this person is working under the full support of the leadership team. It is important to have CEO buy-in and make it known to the entire agency.

Once the project manager is identified—if the resources are available—put together a policy review committee. Some departments prefer large committees, while others have found it beneficial to keep the committee small. Sometimes this is a choice, but usually it is based on the size of the agency.

Large Policy Committee

PROS:

- Multiple department levels involved in future of operational standards
- Institutional knowledge and historical insight reside with multiple agency members

CONS:

- Individuals without subject matter expertise weighing in
- Process guaranteed to take longer and can easily get bogged down

Small Policy Committee

PROS:

- Ability to be more nimble and efficient
- Individuals with subject matter expertise involved

CONS:

- Majority of work falls on a few people
- Possible lack of buy-in from those not involved



For me, the fewer people the better. I tried to put a committee together and it was back and forth. Things like, 'change may to shall.' If I was to do it again, I would create a top down approach—this is the new policy, review it and let me know your thoughts. Too many opinions make it very difficult to accomplish your goals."

Chief Neil Dryfe

The panel discussed the benefits of hiring consultants to guide them through the process. Others talked about including academic institutions, citizen review committees and research and development groups. There is an abundance of pros and cons when it comes to including outside entities and the consensus was it varies from department to department.

It is undisputed that using subject matter expertise is quite valuable. For example, policies governing use of force need to be reviewed by range and tactical officers to ensure the standards match the principles in which they are certificated. This thought process could be applied to multiple policies in an average department's manual.



Once the policy is drafted, the panel agreed it is a good idea to involve all levels of a department—command, first line supervisors and officers—in the review process. Each of these positions offers an important perspective on the operations of the department. In unionized agencies where new policies, or changes to existing ones, involve or impact mandatory subjects of bargaining, management must provide the union with notice and an opportunity to bargain to agreement, or impasse, before implementing such changes.



I think the smaller the group, the tighter the group, the better. I like to have the subject matter expert, a lawyer and a policy overseer."

Carrie Hill, Esq.

CRIMINAL JUSTICE CONSULTING

Included on the panel were legal advisors and members of the IACP Legal Officers Section. They all agree a legal advisor should review policies. Legal review of any policy should be conducted by an attorney with specific knowledge of law enforcement operations and legal cases related to these operations. For example, a city attorney may be well versed in zoning issues, but not up-to-date on the law concerning the use of police K-9s.

POLICY DEVELOPMENT AND REVIEW CHECKLIST:

- ✓ Establish chief's authority
- ✓ Identify a project manager
- ✓ Put together policy committee
- ✓ Find subject matter experts
- ✓ Seek qualified legal advisor
- ✓ Involve staff in review
- ✓ Engage with union representative



Our chief drives policy change. He is very active in PERF and was on the President's Committee for 21st Century Policing. He travels around, collects the latest information and then comes back with really great ideas about policy development. We look to him for direction. We farm topics out to subject matter experts, to the people with the most expertise, and ask them to start a draft. Then those policies come to my office for legal review. We have a good system."

Attorney Lisa Judge

Before issuing a new policy or procedure it is important to establish the chief's authority. There may be statutes, by-laws or ordinances defining the chief's authority. Before starting the policy writing process the chief should confer with municipal leaders to determine the appropriate procedure for issuance. Some jurisdictions require approval by police commissions or municipal officials. This discussion can also provide a platform to increase department funding in certain areas and, more importantly, the process assures local government leaders that the department is staying ahead of the curve on current issues and limiting the community's liability—a win-win for everyone.

Identifying and Prioritizing Policies

Once development and review teams are established, the next step is to identify what policies are most important and should be tackled first. Like anything else, this will vary from department to department, but as a general rule, the recommendation is starting with the most high-risk, high-liability policies. These are the ones agencies end up in court defending against the most.

The panel of experts said these 10 topics come up time and time again, and agree they lead to a majority of liability cases.

SUGGESTED TOPICS TO LOOK AT FIRST:

1. Use of force and force-related weapons
2. Pursuit and emergency vehicle operations
3. Accepting citizen complaints
4. Response to the mentally ill or persons in crisis
5. Sexual and workplace harassment
6. Care and custody of detainees
7. Tactical operations deployment
8. Response to domestic violence
9. Evidence and property control
10. Off-duty and secondary employment

When prioritizing and determining policy topics, it is important to look ahead, but be careful of knee jerk reaction to novel issues. Policies need to have a balance between being strict and leaving a little wiggle room for unusual circumstances. In most situations policy writers will have to use their best judgment.



The number of traditional civil liability lawsuits has long-since been outpaced by employee claims against other employees, department supervisors and the municipality. Damage awards in HR-related cases dwarf those in Monell lawsuits. Having policies on sexual and workplace harassment is not enough. Departments need both policies and training for supervisors in the requirements of such things as the FLSA, FMLA, ADA, ADEA, pregnancy leave or other anti-discrimination laws, as well as how to properly handle work-related injury claims and to administer a collective bargaining agreement. These all fall into the high-frequency/high-risk category yet are often overlooked when developing a new or updated policy and procedure manual."

Attorney John M. (Jack) Collins
**LEGAL ADVISOR & FORMER CHIEF OF POLICE,
EDGARTOWN POLICE DEPARTMENT**



Resources Guiding Policy Development

It may be a generality, but our panel of experts mentioned it several times: most law enforcement professionals are resistant to change. With this said, it is only natural that policies, procedures and training are usually implemented in a reactive state. Agencies need to find a more proactive way of doing things. They need to gain buy-in earlier, and more often, to ensure officers are following the proper policies and procedures prior to a mandate because something bad has happened. There are numerous resources available to help agencies gain buy-in and evaluate the quality of their policies.

Case Law and Department of Justice Rulings

Officers will have confidence in policies that include logical operational procedures developed from current case law and best business practices. The DOJ is a reliable resource for this. Departments should keep their finger on the pulse of DOJ reports, publicized cases, Supreme Court rulings and Appellate Court rulings relevant to their part of the country.



You have to have a way to spark the need for change. There's got to be a reason to do it, to get buy-in. We can look at new cases, at consent decrees, and know what's potentially coming down the road for us and protect ourselves before it happens."

Attorney Lisa Judge

If officers know a change is backed by case law, if they know that it is because of a legal change, they will be more willing to accept it. Most importantly, staff will embrace changes when agency leadership takes the time to explain the reasons for change and the fact that the changes have been developed to protect employees, the agency and the public.



I always tell agencies I'm working with to print an agreement/consent decree from the DOJ website, assign it to a lieutenant and have them go through it. Have them write in the margins what policy, and where, I can find what is being pointed out. If for no other reason, it's a starting point."

Attorney Eric Daigle

Accreditation Standards

There is no denying it is popular for agencies to use accreditation as a checklist for policy and procedure evaluation. These include standards provided by state and national organizations. Accreditation has several distinct benefits and proves an agency's commitment to setting high standards and achieving operational excellence.



I like to use accreditation standards as a road map when evaluating documents. I just start with chapter one, and go right through them. It's a starting point to make sure you don't miss the more obvious, important items."

Mike Whalen

**CONSULTANT & RETIRED CHIEF OF POLICE,
DENNIS POLICE DEPARTMENT**

Although accreditation makes an agency better and is very important, it does not completely protect anyone. Nothing protects like proper, legally defensible policies. The most important issue to remember with the accreditation process: the standards only provide guidance on what practices need to be addressed in a policy. The standards often don't provide guidance on the procedure portion or how the standard should be accomplished. It is possible for an agency to meet the standard language, but still be in violation of local, state or federal law.

“ Too many agencies hang their hats on accreditation, but at the end of the day, in my opinion, you're going to need more. There is a distinct separation between accreditation and constitutional-based policing. Accreditation, while a good first step, does not protect you from all liability. It's going to help make your departments better and more defensible, but there is still more to do.”

Charles Reynolds

Many departments never get off the starting blocks, because the chief or accreditation manager sees over 400 standards and simply doesn't know where to begin. Whether you choose a national or state program, the panel suggests starting with the initial level and work your way through the high-liability standards.

The panel believes getting into the game is more important than which program is ultimately selected. A state program may allow a department to start an accreditation process at a much lower cost, but still ensure they are meeting best business practices. A national program, such as CALEA, will review the agency with assessors typically from other states and jurisdictions, bringing diversity to the process. Either way, as a starting point, departments should select a program and complete the application.



While not officially connected to state programs or CALEA, many states or regions support a Police Accreditation Committee (PAC) consisting of agencies that are either accredited or in the process. These PACs provide a good resource for an accreditation manager just getting started. This is also a good place to review or receive current policies and procedures from an already accredited agency.

Additional Resources for Reliable Content

There are obvious pros and cons to borrowing policy language from outside sources. There is no knowledge of where their language is coming from and could be from a consent decree or state law that does not apply to another agency. Departments must do their own due diligence and pay attention to their own community standards. What is important in one region may not work in another.

State-Centered Chiefs' Model Policies

A state chiefs' association may provide a set of model policies. These model policies provide a foundation; however, the panel does caution agencies to beware of a few things.

WHEN REVIEWING MODEL POLICIES:

- Make sure the model policies are up-to-date and reflect any changes in state or federal law or regulations.
- The model policies are meant to be a place to start and often contain optional language. Make sure the final product includes only the options chosen and the options not chosen are fully removed.
- Legally sensitive policies, or those involving employment issues, should be reviewed by local counsel to ensure they do not violate local, state or federal laws or regulations related to employment practices.

IACP Model Policies and IACP Net

Recently, IACP changed the process for obtaining copies of their model policies. Members are no longer required to purchase the model policies—they are now provided free of charge. Like any state model policies, these documents also come with conditions. Many of them were written generically for a national audience and may have been recently reviewed. Accordingly, agencies using these model policies should have them reviewed by experienced legal counsel and subject matter experts to ensure they are not out of date. On a positive note, they also include a research paper that supports the reasoning behind the policy. The research papers provide valuable information and should be reviewed as part of the process.

IACP Net manages a database of policies, procedures and articles on a variety of law enforcement issues. Searching there for “use of force policies” instantly provides over 250 different policies and procedures from departments across the country. Once again, these need to be carefully analyzed for local applicability and conformance with state law.

Americans For Effective Law Enforcement

Americans for Effective Law Enforcement (AELE.ORG) is a well-known, no-cost national resource for researching cases on police, fire and corrections liability and personnel issues. In addition to case summaries, law enforcement legal advisors have come to rely on AELE's monthly newsletters and articles. AELE also files Amicus Briefs to the U.S. Supreme Court in support of professional law enforcement, often on behalf of the IACP.

POPULAR ONLINE RESOURCES:

- [IACP - National Law Enforcement Policy Center](#)
- [Americans For Effective Law Enforcement](#)
- [IACP - Best Practices Guide: Developing a Police Department Policy-Procedure Manual](#)
- Manufacturer warnings - An internet search will help you find information specific to your item.
- [Policing in the United States: Developing a Comprehensive Empirical Model](#)
- [Police Executive Research Forum \(PERF\): Model policies and white papers](#)
- [Writing Policy and Procedure Manuals in a Small Campus Police Environment, by Robert A. Johnson](#)
- [Put it in Writing: The Police Policy Manual, by Michael Carpenter](#)
- Local and State Peace Officer Standards and Training (POST) - An internet search will help you find information specific to your jurisdiction.
- [ACLU - Police Practices](#)
- [Innocence Project](#)
- [FLETC Informer](#)

Creating Legally Defensible Policies and Procedures

It is not enough for agencies to publish a broad policy statement concerning a particular law enforcement issue. The agency must also provide its staff with the procedures for carrying out the activity.

AN AGENCY'S GUIDING DOCUMENTS, OR MANUAL, SHOULD ACCOMPLISH THESE OBJECTIVES:

1. Provide the agency's policy concerning a particular activity
2. Provide the procedures for carrying out the activity

The procedures section of the manual needs to meet criteria that at first might seem to be in conflict. However, following the criteria in a balanced approach will result in easily followed and legally defensible policies and procedures. Agencies should keep the following criteria in mind while creating the procedures section.

PROCEDURES NEED TO:

- Reflect current best practices
- Be specific, but still leave a reasonable measure of flexibility
- Meet the specific legal requirements for a particular area of operation
- Specifically identify the position responsible for any supervision, reporting, investigative or training requirements (not by name since people often change positions)
- Provide staff with logical and easily understandable guidance on how a particular activity should be accomplished. They must be able to quickly comprehend what they can and cannot do, and how.

Policy Structure

There is no one-size-fits-all approach for developing guiding documents that will protect an agency against a lawsuit. However, when creating and following a structure for consistent development of these documents, agencies will be more protected and reduce risk of liability.

It is important to have one, consistent, professional-looking template as the baseline for all guiding documents. Agencies lose credibility during litigation if they present policies with little or no consistency.

WHEN CREATING A TEMPLATE:

- Each document should look similar
- Use common sections and categories
- Choose a consistent, professional font and font size



I always stress the importance of one consistent template for every policy. One thing that drives me absolutely nuts is policies with different fonts, different font sizes, different spacing, different headings, etc.”

Attorney Eric Daigle

Creating a framework for documents, and committing to it, has numerous benefits. Not only does it look professional and make things easier to find, agreeing to specific elements forces agencies to ensure they are covering all aspects.

ESTABLISH A STRUCTURE THAT INCLUDES:

- Purpose statement: What is the policy about
- Policy statement: What is the agency's policy concerning this particular topic
- Definitions: Creating definitions along the way, especially for words and terms with multiple meanings will save having to argue about the definition in court
- Glossary: Copy definitions into a comprehensive glossary
- Procedures: Make sure staff understand fully what is expected of them
- Permitted conduct: What behavior is allowed for specific circumstances
- Prohibited conduct: What staff is not allowed to do
- Reporting requirements: What needs to be reported after an incident, who it should be reported to, what analysis of the report should take place and who should maintain the reports
- Training requirements: Who should be trained on what specific issues or equipment

Agencies can choose to save their completed policies and procedures as a PDF in Microsoft Word, which can be indexed for quicker searching. Also, PDFs make it possible to search by topic or key word.

Adopting electronic document management may take this one step further. With a very dynamic search tool, you can find any document with the click of a mouse. With features allowing users to create, publish and archive documents, there is never a risk of pulling up, working on or distributing an outdated document. Also, users can compare different versions of a document to any point in the documents history. Not all document management systems are the same—it is important to understand the technology and capabilities.



Moral v. Legal Obligation

Should an agency use language allowing staff to act at a standard allowed under applicable case law or should it provide more limiting language to establish an important moral standard? This is a question that often arises. The policies and procedures dealing with shooting at moving vehicles is a good example. One could argue, the U.S. Supreme Court in the *Plumhoff* case allowed a standard whereby an officer could shoot at a vehicle when the officer reasonably believed his life was in danger. Many agencies create policy language that prohibits officers from shooting at a vehicle where the force used is the vehicle itself. These policies often contain additional language emphasizing good officer safety tactics to prevent officers from putting themselves in a dangerous position and, thereby, preventing the need for the deadly force option. There are good arguments to be made for both policies—agencies will need to decide which is the best fit for them. Agencies must be mindful of, and recognize that their respective policies must address community expectations, and not simply contain minimum legal requirements.

Training Standards

In this time of reduced budgets it is not unusual to find departments regionalizing recruit and in-service training programs. More often than not, the training programs incorporate lesson plans that follow POST standards. It is imperative that whoever is drafting the policies and procedures is also familiar with the training being conducted and that it is all in line. There is only one thing worse than having no policy and that is having policy language that does not reflect the training and the way the particular activity is handled in the field.

A common example of a conflict between training and policy deals with use of force. Many policies across the country have a force continuum, while others have removed the continuum and have continued with a fourth amendment objectively reasonable standard. As such, training venues still train on the force continuum standard while constitutionally-based policing training practices and policy drafting train to an objectively reasonableness standard. An important objective to remember through this process is to provide standards for training and train to these standards.

Review and Final Editing

As stated before, state or national accreditation standards can provide a road map and a framework for determining what subjects should be addressed in a manual. As they say, be careful not to throw the baby out with the bath water. An agency may have many guiding documents that still meet standards and best industry practices. As part of the review process include training practices and the customs and practices of the officers on the street.

TAKE TIME TO CRITICALLY REVIEW CURRENT MANUALS AND IDENTIFY POLICIES IN THREE CATEGORIES:

1. Policies that meet accreditation language requirements, current legal standards and accurately reflect customs and practices
2. Policies that meet legal standards and best practices, but need additional language to meet accreditation standards or do not agree with the custom and practice in the field
3. Policies that require an entire rewrite

When reviewing documents be sure to review anything that may be considered a guiding document. For instance, an agency may have a policy on use of agency-issued firearms; however, the general order has been modified three times over the last seven years by chief's memos. Unfortunately, the original policy was never amended to incorporate the chief's memos, causing confusion in the agency.

Just as policies and procedures need a common template, the final draft requires a common review process to assure the agency's official written policies and procedures will not come back to form the basis for a lawsuit, employment and administrative actions.

PRIOR TO ISSUANCE, REVIEW POLICIES AND PROCEDURES WITH THE FOLLOWING REPRESENTATIVES:

- Subject matter experts and training unit
- Legal resources familiar with police operations
- Command and supervisory staff
- Representative of any affected collective bargaining units

Once the documents have been properly reviewed they are ready for distribution.

Section 3

Distribution, Training, Inspection and Review

An agency has done the heavy lifting and has new guiding documents—now what? The distribution of these new documents and training the team on the new content could be considered as important as putting them together.

Distributing New Guiding Documents

When talking about distribution, the panel of experts provided a varied representation of law enforcement agency practices across the country. When sharing how they distribute policies, procedures and other important documents, the responses were extremely diverse.

A handful of agencies rely solely on paper-based document management systems, because that is how it has always been done or they don't believe they can afford anything else. Agencies continue to print hard copies of documents, go through them at roll call and then post them on boards throughout the agency. If they require a signature of receipt, they chase after employees and manually keep track of who has done, or seen, what. There are even stories of large, well-known agencies pasting policies into books for archiving.

A majority of agencies are using a mix of paper and electronic. They are creating policies and procedures in Word and distributing them via email. Some are still printing out hard copies of these documents and posting them throughout the agency, but the archiving takes place within the computer system. This is a step in the right direction, but still lends itself to mistakes and lack of accountability.

A true paperless, electronic document management system provides a more seamless approach. Ideal systems for high liability environments include features such as workflow management, Microsoft Office integration,

distribution tool, electronic signature, version control, audit trail, the ability to test after reviewing policies and procedures, and accessibility anywhere there is online connectivity.



We looked at quite a few document management systems for our clients and went with PowerDMS. We've introduced it to over 300 agencies and not a single one has ever gotten rid of it. It becomes indispensable to the officer's day-to-day duties. If it's important enough to go over during roll call, it is important enough to put into the system."

Lt. Colonel Frank Rodgers (Ret.)
PRESIDENT, THE RODGERS GROUP, LLC

Assuring Understanding and Compliance

Again, it is not enough for agencies to produce legally defensible policies and procedures. They must also be able to document that agency members reviewed and understood what is included in the document. The panel provided a variety of ways they were meeting this requirement. Some provide a training summary during roll call. Others issued an email outlining the important points of the new or updated document. Some simply required staff to accept and sign for receipt.



A handful talked about the ease of accomplishing this task using a software solution. They quickly send new documents to all staff members and require a signature by a certain date. They can pull a report at any time and see who has signed off on the document. There are stories of agencies involved in court cases that are asked to produce documentation that an officer saw a particular policy and if they distributed it electronically they can provide proof in seconds.



We use document management software for accountability. We send documents out for signature and quickly know who has, and who has not, actually reviewed a policy. In the past, it was not uncommon for individuals to not actually read a policy distributed via email or physical copy. Today, they are aware that they will be held accountable for reading the policy via signature tracking provided by the software. Compliance reports are reviewed on a regular basis and forwarded to supervisors for appropriate action. This process motivates the vast majority of individuals to remain current with the review of policy changes."

Troy Pearson

LIEUTENANT, ORANGE COUNTY SHERIFF'S OFFICE



Inspection, Evaluation and Review

By now there should be one point that has been made very clear: drafting your policy and procedure manual cannot take place in a bubble. It is an interactive process that requires input from many sources. Nor is it a paper exercise resulting in a book that collects dust on a shelf. The process doesn't result in a legally defensible document unless the organization is following the "playbook."

It is suggested that a matrix of training, inspections and appropriate discipline be used to assure compliance. As part of the manual the chief law enforcement officer must delegate inspection responsibilities to appropriate staff members. Developing a schedule of line and staff inspections, along with a matrix of reporting responsibilities, will ensure the agency walks the walk.

AN EXAMPLE OF A TYPICAL REPORTING MATRIX:

Standard Number	Compliance Status	Purpose / Bullet	Comp	Action	Frequency	Person Assigned	Distribution
1.2.9		Bias Based Profiling (D)	M	Review	Annual	Executive Officer	Chief Acc. Mgr.
1.3.6		Use of Force occurrence	M	Report	Per Incident	Officer	Patrol Spvr.
1.3.7		Use of Force Report Administrative Review	M	Review	Per Incident	Executive Officer	Chief Acc. Mgr.
1.3.11		Use of Force Policies, lethal and electronic controlled weapons proficiency	M	Report	Each Qualification	Commander Support Services	Training File Acc. Mgr.
1.3.13		Use of force reports Annual Analysis	M	Analysis	Annual	Executive Officer	Chief Acc. Mgr.
15.2.1		Update Goals and Objectives	M	Memo	Annual	Chief	All Dept. Personnel

** this is a small sample of a large document*

At a minimum, policies and procedures should be reviewed every two years and those involving high liability should be reviewed annually, via a standardized process established by the agency. Agencies must also take the time to review new legislation after each legislative session to identify needed changes.



Drafting a schedule and assessing responsibility for review and evaluation should be part of the manual. Any time there is a need to amend the documents, really amend the documents! Do not amend them with a quick memo or special order. This will almost always result in a parallel system that will quickly put an agency back in the same boat it was before the new manual was created.

Section 4

Where Do We Go From Here?

Throughout the country, there is intense media focus on police operations. The IACP 21st Century Policing initiative, DOJ investigations, Ferguson report and questions about body-worn cameras all have one thing in common: **the need for every law enforcement agency to have a constitutionally-based policy and procedure manual.**

In cases where agencies have been slow to respond to this heightened review, community and legislative pressures have resulted in laws and regulations unnecessarily limiting police capabilities or resulting in unneeded bureaucratic oversight. It is important that the law enforcement industry get in front of the curve and proactively work to ensure they are practicing constitutionally-based policing efforts.

TOPICS AGENCIES NEED TO BE ADDRESSING THROUGH COMPREHENSIVE DEVELOPMENT OF APPROPRIATE AGENCY POLICIES AND PROCEDURES INCLUDE:

- Body-worn cameras, including open records issues, privacy concerns and storage resources;
- Use of force, force investigations and the implications of body-worn cameras in these investigations;
- Police response to citizen's taping of police activity; and
- Issue of procedural justice as outlined in the report of the President's Committee on 21st Century Policing and the role of policy development.

The reality is every law enforcement officer and agency is one bad policy away from being the next news story. It is sad, but true. As laid out in this paper, to avoid this situation, agencies must commit the time and do the research to ensure their policies are legally defensible. It is no longer an option.

[Resources]

- <http://www.theiacp.org/Model-Policy>
- <http://www.justice.gov/crt/about/spl/police.php>
- http://www.lapdonline.org/search_results/content_basic_view/928
- <http://www.policemisconduct.net/statistics/2010-annual-report/>
- <http://www.bjs.gov/index.cfm?ty=tp&tid=703>
- <http://www.nij.gov/topics/law-enforcement/officer-safety/use-of-force/Pages/welcome.aspx>
- http://en.wikipedia.org/wiki/Garrity_v._New_Jersey
- <http://legal-dictionary.thefreedictionary.com/consent+decree>

[Endnotes]

1. Department of Justice, *Report on the Investigation of the New Orleans Police Department*, March 16, 2011
2. National Advisory Commission on Civil Disorders, *The Kerner Report*, 1967
3. International Association of Chiefs of Police website, www.theiacp.org/Model-Policies-for-Policing
4. *Monell v. Department of Social Services*, 436 U.S. 658, (1978)
5. *Mettler v. Whitledge*, 165 F.3d 1197 1204, 8th Cir. (1999)
6. *City of Canton v. Harris*, 49 U.S. 378, 391, 109 S.Ct 1197, 1206 (1989)
7. *Graham v. Sauk Prairie Police Commission*, 915 F.2d 1085, 1100, 7th Cir. (1990)



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