



## NCJRS Abstract

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**Title:** A Proposal For a Statewide Law Enforcement Administrative Law Council  
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**Author:** Wayne W. Schmidt  
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**Annotation:** This article advocates the formalization of police policymaking in a legal sense through the creation of a statewide law enforcement council in each state, whose adopted rules and policies would have the effect of law.

**Abstract:** The state law enforcement administrative law council envisioned by the author would be empowered to promulgate rules governing the conduct and behavior of the police, to guide their activities, and to delineate their discretionary practices.

A comprehensive code covering all aspects of law enforcement is envisioned. A flexible system, unlike an annually revised statutory code, would result from this administrative law process. Suggested provisions to be incorporated in a statute creating such a body and defining its terms are included.

The rules adopted by these councils would not be statutes, but would be statements in aid of statutes and adjudicated law. However, under this proposal these rules have the effect of law, and must be recognized in all courts of the state with the same force and effect as the statutes and common law they implement, interpret, augment or restrict. The effects of these councils on police discipline and on the exclusionary rule are discussed.

**Index Terms:** Police discretion; Police legal limitations; Management; Policy; Regulations; Laws and statutes; Offender classification

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