

Meeting Minutes

Commission on Statewide Law Enforcement Standards of Conduct and Discipline

Date: June 30, 2022

Time: 8:00 am to 10:00 am

Location: Virtual via Zoom

Call to Order, Roll Call

Attendees

Members in attendance: Chief Timothy Addleman, Tarron Anderson, Sheriff Angela Brandenburg, Laura Fine, Anil Karia, Mark Makler, Steven Schuback, Umatilla County Commissioner John Shafer, Michael Slauson, Chief John Teague, Michael Wu

Staff in attendance: Fred Boss, Joshua Nasbe, Kristen Gilman, Toni Kemple, Michelle White

Members not in attendance: Brian Henson, Senator Floyd Prozanski, Benny Williams

SUBSTANTIVE DISCUSSIONS:

The meeting was recorded in full and is available online at the Commission on Statewide Law Enforcement Standards of Conduct and Discipline website: <https://justice.oregon.gov/lesc/>

MOTION

Motion to approve minutes for June 22, 2022, Commission meeting made by Commissioner Teague and seconded by Commissioner Shafer. Hearing no objections, the motion was approved.

PRESENTATIONS:

- 1. Executive Director's Report – Presented by Fred Boss – *Video time stamp 0:02:47***
 - Worked with Commissioner Slauson to develop the agenda and discussion points.
 - Worked with staff on requirements for rules, both procedural rules and substantive rules.
 - Discussion regarding procedural rules, and the comment received from the Medford City Attorney. (*see Video time stamp 0:03:19*)

MOTION

Motion to amend OAR 265-001-0005 to include a notice requirement of “at least 28 days prior to the effective date of the rule” for each entity identified in subsection 4 was made by Commissioner Teague and seconded by Commissioner Fine. The motion carried with 11 in favor and 0 opposed by roll call vote. (*See Video time stamp 0:12:14*)

Name	Yes	No	Abstain		Not in Attendance
Chief Timothy Addleman	✓				
Tarron Anderson	✓				
Sheriff Angela Brandenburg	✓				
Laura Fine	✓				
Brian Henson					✓
Anil Karia	✓				
Mark Makler	✓				
Steven Schuback	✓				
Umatilla County Commissioner John Shafer	✓				
Michael Slauson	✓				
Chief John Teague	✓				
Benny Williams					✓
Michael Wu	✓				

MOTION

Motion to adopt OAR 265-001-0005 as amended as a permanent rule was made by Commissioner Makler and seconded by Commissioner Addleman. The motion carried with 11 in favor and 0 opposed by roll call vote. (See Video time stamp 0:18:10)

Name	Yes	No	Abstain	Not in Attendance
Chief Timothy Addleman	✓			
Tarron Anderson	✓			
Sheriff Angela Brandenburg	✓			
Laura Fine	✓			
Brian Henson				✓
Anil Karia	✓			
Mark Makler	✓			
Steven Schuback	✓			
Umatilla County Commissioner John Shafer	✓			
Michael Slauson	✓			
Chief John Teague	✓			
Benny Williams				✓
Michael Wu	✓			

MOTION

Motion to adopt OAR 265-001-0010 as a permanent rule was made by Commissioner Shafer and seconded by Commissioner Makler. The motion carried with 11 in favor and 0 opposed by roll call vote. (See Video time stamp 0:19:44)

Name	Yes	No	Abstain	Not in Attendance
Chief Timothy Addleman	✓			
Tarron Anderson	✓			
Sheriff Angela Brandenburg	✓			
Laura Fine	✓			
Brian Henson				✓
Anil Karia	✓			
Mark Makler	✓			
Steven Schuback	✓			
Umatilla County Commissioner John Shafer	✓			
Michael Slauson	✓			
Chief John Teague	✓			
Benny Williams				✓
Michael Wu	✓			

- 2. Discussion Item** – Review of the timeline for the Commission presented by Commissioner Slauson – Video time stamp 0:21:40
- 3. Discussion Item** – Draft Example of Rules presented by Commissioner Slauson – Video time stamp 0:28:40

Discussion of Commissioner Slauson’s Draft Example of Rules:

- Definitions (see Video time stamp 0:33:26; continued at 0:44:10)
- Rules (see Video time stamp 0:37:10; continued at 46:37)
- Sexual Assault--example of the rule (see Video time stamp 0:41:37)
- Assault example--example of the rule (see Video time stamp 1:50:26)

Review and discussion of the definition of sexual assault (continued at Video time stamp 1:16:32).

Prior to the vote on the motion, the commission was informally polled, by a show of hands, on the severity of the available sanctions for sexual assault. Four of the twelve commissioners present indicated they would support a termination only sanction for sexual assault. (see Video time stamp 1:18:01).

MOTION

Motion that the presumptive penalty for sexual assault committed by an officer be termination, with mitigated sanctions including suspension without pay, a salary reduction, a demotion, and a written reprimand was made by Commissioner Makler and seconded by Commissioner Teague. The motion carried with 10 in favor and 0 opposed by roll call vote. (*see Video time stamp at 1:45:40*)

Name	Yes	No	Abstain	Not in Attendance
Chief Timothy Addleman	✓			
Tarron Anderson				✓
Sheriff Angela Brandenburg	✓			
Laura Fine	✓			
Brian Henson				✓
Anil Karia	✓			
Mark Makler	✓			
Steven Schuback	✓			
Umatilla County Commissioner John Shafer	✓			
Michael Slauson	✓			
Chief John Teague	✓			
Benny Williams				✓
Michael Wu	✓			

Review and discussion of definition of assault (*see Video time stamp 1:50:26*)

The Commission was informally polled, by show of hands, on the severity of the available sanctions for assault when intentionally causing physical injury to another person without justification. Four of the eleven commissioners would support a termination only sanction for unjustified intentional assault. (*see Video time stamp 1:53:26*)

DOCUMENTS REFERRED TO:

The following documents were discussed at the meeting and are available on request by emailing ORLawEnfCommission@doj.state.or.us or visiting the website at: <https://justice.oregon.gov/llesc/>

- Draft Example of Rules—For Discussion Purposes Only
- Draft Mitigating and Aggravating Factors – For Discussion Purposes Only – Not Reviewed or Endorsed by Commission
- OAR Chapter 265
- ORS 236.350

- ORS 243.808 (1) and (3)
- ORS 243.706 (3)

Next Meeting:

Date: July 7, 2022

Time: 3:00 pm to 5:00 pm

Location: Via **ZoomGov**