

## Meeting Minutes

### Commission on Statewide Law Enforcement Standards of Conduct and Discipline

Date: July 7, 2022

Time: 1:00 pm to 3:00 pm

Location: Virtual via Zoom

Call to Order, Roll Call

#### **Attendees**

Members in attendance: Chief Timothy Addleman, Tarron Anderson, Sheriff Angela Brandenburg, Laura Fine, Brian Henson, Anil Karia, Mark Makler, Representative Ron Noble, Steven Schuback, Michael Slauson, Chief John Teague, Benny Williams (arrived after roll call), Michael Wu

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

Members not in attendance: Senator Floyd Prozanski, Umatilla County Commissioner John Shafer

#### **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 30, 2022, Commission meeting made by Commissioner Addleman and seconded by Commissioner Brandenburg. Hearing no objections, the motion was approved.

#### **PRESENTATIONS:**

- 1. Executive Director's Report – Presented by Fred Boss – *Video time stamp 0:02:35***
  - Worked with Commissioner Slauson to develop the agenda and today's presentation.
  - Worked with staff on how to prepare and finalize the report that is due to the legislature in September.
  - Developed an approach to the required public meetings and rulemaking hearings that will happen in the next few months.

**2. Discussion Item** – Draft Discussion Points presented by Commissioner Slauson – Video time stamp 0:03:10

Continued discussion of Commissioner Slauson’s Discussion Points:

- Assault example--example of the rule (see Video time stamp 0:03:36)
- Unjustified or excessive use of physical force or deadly physical force (see Video time stamp 0:40:10)
- Sexual Harassment (see Video time stamp 1:35:40)

Review and discussion of the definition of assault (continued at Video time stamp 0:06:10).

The Commission was informally polled, by show of hands, on the severity of the available sanctions for an intentional assault without lawful justification. Eight of the twelve commissioners present indicated they would support a termination only sanction for unjustified intentional assault. (see Video time stamp 0:13:23).

**MOTION**

Motion that the exclusive sanction for an officer who engages in misconduct constituting an intentional act of assault without justification is termination was made by Commissioner Williams and seconded by Commissioner Anderson. The motion failed with 6 in favor and 6 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<br>Commissioner John Shafer |     |    |         | ✓                 |
| Michael Slauson                             | ✓   |    |         |                   |
| Chief John Teague                           |     | ✓  |         |                   |
| Benny Williams                              | ✓   |    |         |                   |
| Michael Wu                                  | ✓   |    |         |                   |

The Commission was informally polled, by show of hands, on the severity of the available sanctions for an intentional assault without lawful justification. Six of the twelve commissioners present indicated they would support a termination as the

presumptive sanction with mitigated sanctions including suspension without pay, a salary reduction, and a demotion, for unjustified intentional assault. (see Video time stamp 0:29:00).

The Commission was informally polled, by show of hands, on the severity of the available sanctions for an intentional assault without lawful justification. Seven of the twelve commissioners present indicated they would support termination as the presumptive sanction with mitigated sanctions including suspension without pay, a salary reduction, a demotion, and written reprimand for unjustified intentional assault. (see Video time stamp 0:31:08).

**MOTION**

Motion that the presumptive sanction for an officer who engages in misconduct constituting an act of intentional assault without justification shall be termination; the mitigated sanction for an officer who engages in misconduct constituting an act of intentional assault without justification shall be, upon the discretion of a disciplining body, suspension without pay, a reduction in pay otherwise known as an economic sanction, a demotion, or written reprimand was made by Commissioner Teague and seconded by Commissioner Schuback. The motion carried with 10 in favor and 2 opposed. (see Video time stamp 0:33:05)

| 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<br>Commissioner John Shafer |     |    |         | ✓                 |
| Michael Slauson                             | ✓   |    |         |                   |
| Chief John Teague                           | ✓   |    |         |                   |
| Benny Williams                              | ✓   |    |         |                   |
| Michael Wu                                  | ✓   |    |         |                   |

Review and discussion of unjustified or excessive use of physical force or deadly physical force. (see Video time stamp 0:40:10)

The Commission was informally polled, by show of hands, on the severity of the available sanctions for unjustified or excessive use of physical force or deadly physical

force. Five of the twelve commissioners present indicated they would support a termination only sanction for an officer engaged in misconduct constituting unjustified or excessive use of physical or deadly physical force that results in death or serious physical injury. (see Video time stamp 0:43:10).

The Commission was informally polled, by show of hands, on the severity of the available sanctions for unjustified or excessive use of deadly physical force. Seven of the twelve commissioners present indicated they would support a termination only sanction for unjustified or excessive use of deadly force that results in death or serious physical injury. (see Video time stamp 0:48:50).

**MOTION**

Motion that the sanction for an officer engaged in misconduct constituting unjustified or excessive use of deadly physical force by the officer that results in death or serious physical injury shall be termination was made by Commissioner Wu and seconded by Commissioner Henson. The motion carried with 8 in favor and 4 opposed. (see Video time stamp 0:50:55)

| 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<br>Commissioner John Shafer |     |    |         | ✓                 |
| Michael Slauson                             | ✓   |    |         |                   |
| Chief John Teague                           |     | ✓  |         |                   |
| Benny Williams                              | ✓   |    |         |                   |
| Michael Wu                                  | ✓   |    |         |                   |

**MOTION**

Motion that the presumptive sanction for an officer engaged in misconduct constituting unjustified or excessive use of physical force by the officer that results in death or serious physical injury shall be termination. The mitigated sanction upon an officer engaged in such misconduct shall, upon the discretion of a disciplining body, include suspension without pay, a reduction in pay otherwise known as an economic sanction, or demotion was made by

Commissioner Teague and seconded by Commissioner Henson. The motion failed with 6 in favor and 6 opposed. (see Video time stamp 0:55:34)

| 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<br>Commissioner John Shafer |     |    |         | ✓                 |
| Michael Slauson                             | ✓   |    |         |                   |
| Chief John Teague                           |     | ✓  |         |                   |
| Benny Williams                              | ✓   |    |         |                   |
| Michael Wu                                  | ✓   |    |         |                   |

**MOTION**

Motion that the presumptive sanction for an officer engaged in misconduct constituting unjustified or excessive use of physical force by the officer that results in death or serious physical injury shall be termination. The mitigated sanction upon an officer engaged in such misconduct shall, upon the discretion of a disciplining body, include suspension without pay, economic sanction, a demotion or written reprimand was made by Commissioner Wu and seconded by Commissioner Anderson. The motion passed with 9 in favor and 3 opposed. (see Video time stamp 1:07:34)

| 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<br>Commissioner John Shafer |     |    |         | ✓                 |
| Michael Slauson                             | ✓   |    |         |                   |

| Name              | Yes | No | Abstain | Not in Attendance |
|-------------------|-----|----|---------|-------------------|
| Chief John Teague | ✓   |    |         |                   |
| Benny Williams    | ✓   |    |         |                   |
| Michael Wu        | ✓   |    |         |                   |

Review and discussion of failure to intervene, failure to report, use of physical force that was neither justified or reasonable under ORS 161.237 (impeding breathing/blood circulation by pressure on the throat/neck) when such use of force results in death or serious physical injury. (see Video time stamp 1:12:46).

The Commission was informally polled asking the commissioners, by show of hands, who at this juncture would like to consider drafting a rule related to failure to intervene, when safe to do so, to stop or prevent another officer from using unjustified or excessive use of physical or deadly physical force that results in death or serious physical injury. Four of the twelve commissioners present indicated they would consider drafting a rule related to failure to intervene at this time. (see Video time stamp 1:17:50).

The Commission was informally polled asking the commissioners, by show of hands, who at this juncture would like to consider drafting a rule regarding discipline range for an officer engaged in the misconduct of failure to report when unjustified or excessive use of physical or deadly physical force by another officer or reserve officer that results in death or serious physical injury. Three of the twelve commissioners present indicated they would consider drafting a rule related to failure to intervene at this time. (see Video time stamp 1:23:30).

The Commission was informally polled asking the commissioners, by show of hands, who at this juncture would like to consider drafting a rule regarding sanctions for an officer engaged in misconduct by using physical force that was neither justified or reasonable under ORS 161.237 (impeding breathing/blood circulation by pressure on the throat/neck) when such use of force results in death or serious physical injury. Four of the twelve commissioners present indicated they would consider drafting a rule related to sanctions for an officer engaged in misconduct by using physical force that was neither justified or reasonable under ORS 161.237 (impeding breathing/blood circulation by pressure on the throat/neck) when such use of force results in death or serious physical injury at this time. (see Video time stamp 1:31:29)

Review and discussion of definition of sexual harassment. (see Video time stamp 1:35:40)

**MOTION**

Motion to use the BOLI definition (*of sexual harassment*) with a presumptive penalty of economic sanction or demotion, aggravating to termination or mitigating to written reprimand

was made by Commissioner Teague and seconded by Commissioner Anderson. The motion passed with 11 in favor and 1 opposed. (see [Video time stamp 1:37:34](#))

| 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<br>Commissioner John Shafer |     |    |         | ✓                 |
| Michael Slauson                             | ✓   |    |         |                   |
| Chief John Teague                           | ✓   |    |         |                   |
| Benny Williams                              | ✓   |    |         |                   |
| Michael Wu                                  | ✓   |    |         |                   |

**DOCUMENTS REFERRED TO:**

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

- Draft Discussion Points
- HB 4301

**Next Meeting:**

**Date:** July 12, 2022

**Time:** 3:00 pm to 5:00 pm

**Location:** Via ZoomGov