

Meeting Minutes

Commission on Statewide Law Enforcement Standards of Conduct and Discipline

Date: July 12, 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 (arrived at 1:33), Sheriff Angela Brandenburg, Laura Fine, Brian Henson, Anil Karia, Mark Makler, Steven Schuback, Michael Slauson, Chief John Teague, Benny Williams (arrived just after roll call), Michael Wu

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

Members not in attendance: Representative Ron Noble, 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 the minutes for July 7, 2022, Commission Meeting as amended to correct the time of the meeting was made by Commissioner Brandenburg and seconded by Commissioner Williams. There were no objections and one abstention. Motion was approved.

PRESENTATIONS:

1. **Discussion Item** – Draft Discussion Points presented by Commissioner Slauson – *Video time stamp 0:04:05*

Continued discussion of Commissioner Slauson's Discussion Points:

- Last meeting the Commission addressed sexual assault, intentional assault without justification, various areas of use of force and sexual harassment (*see video time stamp 0:04:42*)
- Conduct that is Motivated by Suspect Classification (*see video time stamp 0:05:55*)
- Moral Conduct (*see video time stamp 0:05:55*)

Review and discussion of Conduct that is Motivated by Suspect Classification (profiling) (*continued at Video time stamp 0:07:12*).

The Commission was informally polled, by show of hands, on the severity of the available sanctions for an officer who targets an individual on suspicion of individuals having violated a provision of law based solely on the individual's real or perceived age, race, ethnicity, color, national origin, language, sex, gender identity, sexual orientation, political affiliation, religion, homelessness or disability, except when a law enforcement officer is acting on a suspect description or information related to an identified or suspected violation of a provision of law. Five of the eleven commissioners present indicated they would support a termination only sanction on an officer who targets an individual based solely on a suspect's classification and there is no other articulable basis whatsoever. (*see Video time stamp 0:13:23*).

The Commission was informally polled, by show of hands, on the severity of the available sanctions for an officer, except when a law enforcement officer is acting on a suspect description or information related to an identified or suspected violation of a provision of law, a disciplining body will impose upon a law enforcement officer disciplinary action within the following disciplinary range upon a finding that the officer engaged in misconduct in violation of statutory or constitutional law by intentionally targeting an individual based solely on the individual's real or perceived race, ethnicity, national origin, sex, gender identity, sexual orientation, religion, or homelessness. Four of the eleven commissioners present indicated they would support a termination only sanction on an officer who intentionally targets an individual based solely on the individual's real or perceived race, ethnicity, national origin, sex, gender identity, sexual orientation, religion, or homelessness. (*see Video time stamp 0:25:16*).

The Commission was informally polled, by show of hands, on the severity of the available sanctions for an officer, except when a law enforcement officer is acting on a suspect description or information related to an identified or suspected violation of a provision of law, a disciplining body will impose upon a law enforcement officer disciplinary action within the following disciplinary range upon a finding that the officer engaged in misconduct in violation of statutory or constitutional law by intentionally targeting an individual based solely on the individual's real or perceived age, race, ethnicity, color, national origin, language, sex, gender identity, sexual orientation, political affiliation, religion, homelessness or disability (ORS 131.915 definition). Two of the twelve commissioners present indicated they would support termination as a presumptive sanction with mitigated sanctions including suspension without pay, a salary reduction, or a demotion, on an officer engaged in misconduct constituting the statutory definition of profiling. (*see Video time stamp 0:27:20*).

The Commission was informally polled, by show of hands, on the severity of the available sanctions for an officer, except when a law enforcement officer is acting on a suspect description or information related to an identified or suspected violation of a provision of

law, a disciplining body will impose upon a law enforcement officer disciplinary action within the following disciplinary range upon a finding that the officer engaged in misconduct in violation of statutory or constitutional law by intentionally targeting an individual based solely on the individual’s real or perceived, race, ethnicity, national origin, sex, gender identity, sexual orientation, religion, or homelessness. Six of the twelve commissioners present indicated they would support termination as a presumptive sanction with mitigated sanctions including suspension without pay, a salary reduction, or a demotion on an officer engaged in misconduct of intentionally targeting an individual based solely on a protected class. (see Video time stamp 0:30:03).

The Commission was informally polled, by show of hands, on the severity of the available sanctions for an officer, except when a law enforcement officer is acting on a suspect description or information related to an identified or suspected violation of a provision of law, a disciplining body will impose upon a law enforcement officer disciplinary action within the following disciplinary range upon a finding that the officer engaged in misconduct in violation of statutory or constitutional law by unlawfully intentionally targeting an individual for a suspected violation of the law based solely on the individual’s real or perceived race, ethnicity, national origin, sex, gender identity, sexual orientation, religion, or homelessness. Nine of the twelve commissioners present indicated they would support a termination as a presumptive sanction with mitigated sanctions including suspension without pay, a salary reduction, a demotion, or a written reprimand on an officer engaged in misconduct of unlawfully intentionally targeting an individual based solely on the individual’s real or perceived race, ethnicity, national origin, sex, gender identity, sexual orientation, religion, or homelessness. (see Video time stamp 0:39:17).

MOTION

Motion for the presumptive sanction for an officer engaged in misconduct in violation of statutory or constitutional law by unlawfully intentionally targeting an individual for a suspected violation of the law based solely on the individual’s real or perceived race, ethnicity, national origin, sex, gender identity, sexual orientation, religion, or homelessness shall be termination and the mitigated sanction for an officer engaged in that misconduct shall be suspension without pay, a salary reduction, a demotion was made by Commissioner Anderson and seconded by Commissioner Williams. The motion carried with 8 in favor, 1 opposed and 1 abstention by roll call vote. (see Video time stamp 0:44:10).

Name	Yes	No	Abstain	Not in Attendance
Chief Timothy Addleman	✓			
Tarron Anderson	✓			

Name	Yes	No	Abstain	Not in Attendance
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	✓			

The Commission was informally polled, by show of hands, on who would be interested in considering, for either exclusive termination or presumptive termination, terminable misconduct for knowingly joining or participating in an organization that promotes hatred or discrimination. Five of the twelve commissioners present indicated they would consider addressing the conduct at this time. (*see Video time stamp 0:46:50*)

Commissioner Schuback: "...and just for reference purposes this was HB 2936."

Review and discussion of Moral Character. (*see Video time stamp 0:56:37*)

The Commission was informally polled, by show of hands, that given that this is in the context of employment, that a conviction would not be required, but misconduct that constituted the crime would suffice to be a violation. Nine of the twelve commissioners indicated they would agree. (*see Video time stamp 1:04:43*)

The Commission was informally polled, by show of hands, should misdemeanor theft offenses as low as Theft III of \$50 be considered as a presumptive termination. Six of the twelve commissioners indicated they would agree. (*see Video time stamp 1:18:38*)

The Commission was informally polled, by show of hands, should official misconduct be considered as a presumptive termination. Four of the twelve commissioners indicated they would agree. (*see Video time stamp 1:21:48*)

The Commission was informally polled, by show of hands, should the sanction for an officer engaged in provable harassment between a family or household members be considered a presumptive termination. Six of the twelve commissioners indicated they would agree. (*see Video time stamp 1:23:40*)

The Commission was informally polled, by show of hands, in the domestic violence context, should the sanction for an officer convicted of stalking a family member or household member, or engages in conduct constituting the crime of stalking involving a family member or household member, be considered as a presumptive termination. Nine of the twelve commissioners indicated they would support presumptive termination for the misconduct of engaging in the conduct constituting the crime of stalking. (see Video time stamp 1:25:00)

List of “cross the line” misconduct (see Video time stamp 1:26:28)

The Commission was informally polled, by show of hands, on the severity of the available sanctions for an officer engaged in conduct from the “cross the line” misconduct list (see Video time stamp 1:26:28). Nine of the twelve commissioners present indicated they would support a termination only sanction on an officer. (see Video time stamp 1:25:00)

MOTION

Motion that the sanction for an officer engaged in misconduct as listed in the “cross the line” misconduct list is termination only was made by Commissioner Williams and seconded by Commissioner Anderson. (see Video time stamp 1:28:07). There was a friendly amendment to include definition of untruthfulness made by Commissioner Brandenburg and seconded by Anderson. (see Video time stamp 1:37:02) The motion carried with 8 in favor, 1 opposed and 1 abstention by roll call vote. (see Video time stamp 1:44:10).

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	✓			

Name	Yes	No	Abstain	Not in Attendance
Benny Williams	✓			
Michael Wu	✓			

Review and discussion of Moral Character – Drug and Alcohol Use on Duty (see Video time stamp 1:39:03)

Item for further research requested by Commissioner Teague: It is unlawful in some states to carry prescription medicines in a container that does not have the prescription on the label. Is that the case in Oregon? (see Video time stamp 1:44:12)

The Commission was informally polled, by show of hands, on the severity of the sanction for an officer engaging in the misconduct of unlawfully using a controlled substance while on duty. Six of the twelve commissioners indicated they would support a termination only sanction on an officer engaging in the misconduct of unlawfully using a controlled substance while on duty. (see Video time stamp 1:47:14)

The Commission was informally polled, by show of hands, on the severity of the sanction for an officer engaging in the misconduct of unlawfully using a controlled substance while on duty. Ten of the twelve commissioners indicated they would support termination as a presumptive sanction with mitigated sanctions including suspension without pay, a salary reduction, or a demotion for an officer engaging in the misconduct of unlawfully using a controlled substance while on duty. (see Video time stamp 1:49:22)

MOTION

Motion that the presumptive sanction for an officer engaged in misconduct of unlawfully using a controlled substance while on duty shall be termination and the mitigated sanctions shall include suspension without pay, a salary reduction, or demotion was made by Commissioner Karia and seconded by Commissioner Teague. The motion carried with 12 in favor and 0 opposed by roll call vote. (see Video time stamp 1:50:06).

Name	Yes	No	Abstain	Not in Attendance
Chief Timothy Addleman	✓			
Tarron Anderson	✓			
Sheriff Angela Brandenburg	✓			
Laura Fine	✓			
Brian Henson	✓			
Anil Karia	✓			

Name	Yes	No	Abstain	Not in Attendance
Mark Makler	✓			
Steven Schuback	✓			
Umatilla County 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 sanction for an officer engaged in misconduct by being impaired to any degree due to the consumption of an alcoholic beverage while reporting to duty or while on duty. Ten of the twelve commissioners indicated they would support termination as a presumptive sanction with mitigated sanctions including suspension without pay, a salary reduction, a demotion, or written reprimand for an officer engaging in the misconduct of unlawfully using a controlled substance while on duty. (*see Video time stamp 1:55:38*)

MOTION

Motion that the presumptive sanction for an officer engaged in misconduct by being impaired to any degree due to the consumption of an alcoholic beverage while reporting to duty or while on duty shall be termination and the mitigated sanctions shall be, upon the discretion of the disciplining body, suspension without pay, a salary reduction, demotion, or written reprimand was made by Commissioner Williams and seconded by Commissioner Henson. The motion carried with 10 in favor and 2 opposed by roll call vote. (*see Video time stamp 1:56:37*).

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				✓

Name	Yes	No	Abstain	Not in Attendance
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 or visiting the website at: <https://justice.oregon.gov/lesc/>

- Discussion Points (7/12/22)
- HB 2936
- ORS 131.915

Next Meeting:

Date: July 21, 2022

Time: 1:00 pm to 3:00 pm

Location: Via ZoomGov