

Meeting Minutes

Commission on Statewide Law Enforcement Standards of Conduct and Discipline

Date: July 21, 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, Sheriff Angela Brandenburg, Laura Fine, Brian Henson, Anil Karia, Mark Makler, Representative Ron Noble, Steven Schuback, Michael Slauson, Chief John Teague, Benny Williams, Michael Wu

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

Members not in attendance: Tarron Anderson, 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 12, 2022, Commission Meeting was made by Commissioner Williams and seconded by Commissioner Henson. There were no objections. Motion was approved.

PRESENTATIONS:

1. **Discussion Item** – Draft Discussion Points presented by Commissioner Slauson – *Video time stamp 0:02:40*

Continued discussion of Commissioner Slauson's Discussion Points:

- Based on discussion/feedback from previous meetings, review mitigating and aggravating factors. (*see video time stamp 0:03:30*)
- Based on discussion/feedback from previous meetings, review and refine wording relating to directions to agencies, review bodies, and arbitrators. (*see video time stamp 0:03:50*)

Review and discussion of aggravating and mitigating factors. (*continued at video time stamp 0:04:38*).

- Discussion regarding whether to use a point system for aggravating and mitigating factors or whether to require disciplining bodies to articulate their reasoning for imposing a non-presumptive disciplinary sanction.
- Discussion whether to allow disciplining bodies to consider a non-enumerated aggravating or mitigating factor in determining whether to impose an aggravated or mitigated disciplinary sanction.

The Commission was informally polled, by show of hands, that a disciplinary body has the discretion to impose mitigated or aggravated sanctions as permitted by these rules; and that a disciplining body shall document its reasoning, including whether it found aggravating or mitigating factors, for imposing a disciplinary action other than a presumptive sanction. Five of the eleven commissioners present indicated they would support this requirement. (*see Video time stamp 0:27:50*).

The Commission was informally polled, by show of hands, that a disciplinary body has the discretion to impose mitigated or aggravated sanctions as permitted by these rules; and that a disciplining body shall document its reasoning, including whether it found aggravating or mitigating factors **and the relative weight it gave to each factor**, for imposing a disciplinary action other than a presumptive sanction. Eleven of the eleven commissioners present indicated they would support this requirement. (*see Video time stamp 0:31:06*).

MOTION

Motion to allow a disciplinary body to have the discretion to impose mitigated or aggravated sanctions as permitted by these rules. Require that a disciplinary body shall document its reasoning, including whether it found aggravating or mitigating factors and the relative weight it gave to each factor, for imposing a disciplinary action other than a presumptive sanction. Motion was made by Commissioner Teague and seconded by Commissioner Brandenburg. The motion carried with 11 in favor and 0 opposed by roll call vote. (*see Video time stamp 0:33:07*).

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

Name	Yes	No	Abstain	Not in Attendance
Steven Schuback	✓			
Umatilla County Commissioner John Shafer				✓
Michael Slauson	✓			
Chief John Teague	✓			
Benny Williams	✓			
Michael Wu	✓			

Review of open or closed universe for aggravating or mitigating factors (*see Video time stamp 0:31:06*).

The Commission was informally polled, by show of hands, for an open list of factors along the lines that Commissioner Karia suggested. Ten of the eleven commissioners present indicated they would support an open list of factors along the lines that Commissioner Karia suggested. (*see Video time stamp 0:34:34*).

MOTION

Motion for an open-ended list of aggravating and mitigating factors. Motion was made by Commissioner Teague and seconded by Commissioner Karia. The motion carried with 11 in favor and 0 opposed by roll call vote. (*see Video time stamp 0:35:00*).

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 of aggravating and mitigating factors (*see Video time stamp 0:38:20*).

The Commission was informally polled, by show of hands, for support of the list of aggravating and mitigating factors. Nine of the eleven commissioners present indicated they would support the list of aggravating and mitigating factors. (*see Video time stamp 1:02:34*).

MOTION

Motion to adopt the list of aggravating and mitigating factors “white-boarded” during the meeting with Commissioner Karia’s edits to the factors. Motion was made by Commissioner Brandenburg and seconded by Commissioner Karia. The motion carried with 11 in favor and 0 opposed by roll call vote. (*see Video time stamp 1:03:20*).

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 the language “A disciplinary body shall not apply an aggravating or mitigating factor if the factor is already included in determining whether misconduct occurred (example: intentionally).” Motion was made by Commissioner Karia and seconded by Commissioner Addleman. The motion carried with 11 in favor and 0 opposed by roll call vote. (*see Video time stamp 1:07:29*).

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

Name	Yes	No	Abstain	Not in Attendance
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 definitions and rules. (see [Video time stamp 1:10:00](#)).

- Definitions (see [Video time stamp 1:17:17](#))
- Rules (see [Video time stamp 1:23:15](#))
 - Burden of Proof as discussed in June 30, 2022 Commission meeting. (see [Video time stamp 1:23:43](#))
- Multiple Instances of Misconduct (see [Video time stamp 1:28:25](#))

The Commission was informally polled, by show of hands, to leave in section on Multiple Instances of Misconduct. Eight of the eleven commissioners present indicated they would retain the section on Multiple Instances of Misconduct. (see [Video time stamp 1:35:44](#)).

- Moral Character Definition (see [Video time stamp 1:35:53](#))

The Commission was informally polled, by show of hands, to maintain the definition of Moral Character. Eight of the eleven commissioners present indicated they would maintain the definition of Moral Character. (see [Video time stamp 1:36:20](#)).

- Sexual Harassment – discussion regarding the presumptive sanction to add suspension without pay. (see [Video time stamp 1:37:30](#)).
- Discussion of the narrower definition of Law Enforcement Officer. Commissioner Brandenburg pointed out that the definition does not include parole and probation officers. Commissioner Karia pointed out it does not include corrections officers. (see [Video time stamp 1:41:45](#)).
- Discussion of 265-010-0015. Question about the difference between section (1) and (2). One is “deadly physical force” and the other is “physical force”. (see [Video time stamp 1:41:45](#)).

MOTION

Motion to adopt the proposed rules for public comment and further review was made by Commissioner Williams and seconded by Commissioner Brandenburg. The motion carried with 9 in favor, 1 opposed and 1 abstention by roll call vote. (see *Video time stamp 1:07:29*).

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	✓			

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/>

- Draft Rules – Revised during the July 21, 2022 meeting
- Draft Aggravating and Mitigating Factors – Revised during July 21, 2022 meeting

Next Meeting:

Date: August 4, 2022

Time: 3:00 pm to 5:00 pm

Location: Via **ZoomGov**