

Meeting Minutes

Commission on Statewide Law Enforcement Standards of Conduct and Discipline

Date: September 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 (arrived shortly after roll call), Tarron Anderson, Sheriff Angela Brandenburg, Laura Fine (arrived shortly after roll call), Anil Karia, Mark Makler, 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: Brian Henson, 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 the August 21, 2022, Commission meeting was made by Commissioner Brandenburg and seconded by Commissioner Williams. There were no objections. Motion was approved. (*see video time stamp 0:01:50*)

PRESENTATIONS:

1. Executive Director's Report – Video time stamp 0:02:17

Information items:

- Conducted four public comment hearings in Bend, Portland, Pendleton and Medford.
- Worked with staff to prepare a summary of those hearings and other public comments.
- Worked on the agenda.

2. Discussion Item – Commissioners consider and discuss written comments and public testimony regarding the Notice of Proposed Rulemaking. Video time stamp 0:02:46

Review and discussion of the rules and public comment. (see [video time stamp 0:05:30](#))

Discussion of substantive rules:

- Sexual Assault – (see [video time stamp 0:06:45](#))
 - Discussion of definition (see [video time stamp 0:09:44](#))
 - Question: Anybody based on any of the discussion today, or in the comments, or any further research or review you have done would want to change their vote? No changes made. (see [video time stamp 0:21:43](#))

- Intentional Assault – (see [video time stamp 0:24:05](#))
 - Question: Based on this particular rule, was there any of the feedback that you heard, further research or consideration that would change your vote on that? No changes made. (see [video time stamp 0:25:30](#))

- Unjustified or Excessive Use of Force (deadly force and physical force) – (see [video time stamp 0:27:10](#))
 - Discussion on comments from former OSP Superintendent Travis Hampton (see [video time stamp 0:27:20](#))

The Commission was informally polled, by show of hands, whether under OAR 265-010-0015 requiring termination of an officer who uses unjustified or excessive deadly force, the requirement that force results in death or serious physical injury would be removed. Five of the eleven commissioners present indicated they would support, under OAR 265-010-0015 requiring termination of an officer who uses unjustified or excessive deadly force, removing the requirement that force results in death or serious physical injury. (see [Video time stamp 0:36:20](#))

- Use of Physical Force - (see [Video time stamp 0:37:12](#))
 - Discussion on use of physical force (see [Video time stamp 0:39:00](#))
 - Question: Based on this discussion, Travis Hampton comments, other public comments, further discussion or research that would change your vote on that? No changes made. (see [Video time stamp 0:39:46](#))

- Conduct that is Motivated by or Based on a Real or Perceived Factor of an Individual's Race, Ethnicity, National Origin, Sex, Gender Identity, Sexual Orientation, Religion, or Homelessness - (see [Video time stamp 0:40:29](#))
 - Question: Based on the feedback you've heard through the public, through other commissioners, or further research that would change your vote on that? No changes made. (see [Video time stamp 0:41:15](#))

- Participation in Hate Groups - *(see Video time stamp 0:41:47)*
 - Discussion on participation of hate groups *(see Video time stamp 0:42:00)*
 - Screen share of proposed rule previously reviewed and tabled for a future meeting *(see Video time stamp 0:43:48)*
 - In the interest of meeting the current legislative deadline, this will remain tabled for a future meeting.

Discussion and review of rule related to drug and alcohol and question about BAC by Commissioner Karia and Commissioner Teague. *(see Video time stamp 0:48:03)*.

Discussion and review of Commissioner Karia's edits to the rules. *(see Video time stamp 0:51:16)*

- In Aggravating and Mitigating factors – edit to remove the references to “officer” and create continuity of form.
- In Definitions – Under “Disciplinary Action” change the word “includes” to “means”.
- Definition – Untruthfulness
 - Screen share of definition of “Untruthfulness”. *(see Video time stamp 0:56:11)*

The Commission was informally polled, by show of hands, on adding “consistent with ORS 133.403” and semi-colons. Three of the eleven commissioners present indicated they would support, add this to the rules. *(see Video time stamp 01:03:20)*

- Burden of Proof, 265-005-0010 – Clarifies it applies to law enforcement officer and the just cause standard. *(see Video time stamp 1:04:07)*
- Multiple Instances of Misconduct *(see Video time stamp 1:06:50)*
 - Screen share of proposed rule with edits. *(see Video time stamp 1:09:20)*
 - Definition of “Exclusive Representative”. *(see Video time stamp 1:15:07)*
 - New Rule regarding arbitrary and capricious. *(see Video time stamp 1:16:53)*
- Truthfulness and comment from Chief Krantz of Bend Police Department. *(see Video time stamp 1:27:20)*
 - Commissioner Karia's edits to OAR 265-10-0025. *(see Video time stamp 1:28:12)*
 - Truthfulness description from PPB policy; possible future discussion regarding off-duty “water cooler” lies and Brady issues. *(see Video time stamp 1:32:15)*

The Commission was informally polled, by show of hands, to change the reference in moral character to narrow what it means to be untruthful. Six of the eleven commissioners present indicated they would like to revisit this issue at this time. *(see Video time stamp 1:36:20)*

- Share screen on truthfulness amendment. (see [Video time stamp 1:40:45](#))

Brief review of what was covered during this meeting. (see [Video time stamp 1:45:43](#))

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/>

- Presiding Officer's Report on Rulemaking Hearings
- Public Comment Spreadsheet
- Commissioner Karia Email – Notes RE Proposed Rules
- Public Comments received on the Commission email ORLawEnfCommission@doj.state.or.us
- Initial Report to House Committee on Judiciary
- Executive Summary

Next Meeting:

Date: September 27, 2022

Time: 8:00 pm to 10:00 pm

Location: Via ZoomGov