

Commission on Statewide Law Enforcement Standards of Conduct and Discipline

Chapter 265

Division 10

Discipline Standards for Misconduct

265-010-0001

Sexual Assault

(1) A disciplining body shall impose upon a law enforcement officer disciplinary action ~~[within the following disciplinary range]~~ of termination upon a finding that the officer engaged in an act of misconduct constituting an act of sexual assault that constitutes a sex crime under ORS 243.317.

~~[(1) The presumptive sanction shall be termination.~~

~~[(2) The mitigated sanction shall be suspension without pay, salary reduction, demotion, or a written reprimand.]~~

(2) A disciplining body shall impose upon a law enforcement officer disciplinary action within the following range upon a finding that the officer engaged in misconduct constituting an act of sexual assault that does not constitute a sex crime under ORS 243.317:

(a) The presumptive sanction shall be salary reduction, demotion or suspension without pay.

(b) The mitigated sanction shall be a written reprimand.

(c) The aggravated sanction shall be termination.

NOTE: Matter in **boldfaced** type in an amended section is new; matter ~~[italic and bracketed]~~ is existing law to be omitted. New sections are **boldfaced** type.

Chapter 265

Division 10

Discipline Standards for Misconduct

265-010-0010

Assault

(1) A disciplining body shall impose upon a law enforcement officer **the** disciplinary action ~~[within the following disciplinary range]~~ **of termination** upon a finding that the officer engaged in misconduct constituting an act of intentional **or knowing** assault without justification.

~~[(1) The presumptive sanction shall be termination.~~

~~[(2) The mitigated sanction shall be suspension without pay, salary reduction, demotion, or a written reprimand.]~~

(2) A disciplining body shall impose upon a law enforcement officer disciplinary action within the following disciplinary range upon a finding that the officer engaged in misconduct constituting an act of reckless assault without justification:

(a) The presumptive sanction shall be termination.

(b) The mitigated sanction shall be suspension without pay, salary reduction, demotion, or a written reprimand.

Division 10

Discipline Standards for Misconduct

265-010-0015

Unjustified or Excessive Use of Physical or Deadly Force

(1) A disciplining body shall impose upon a law enforcement officer disciplinary action of termination upon a finding that the officer engaged in misconduct constituting unjustified or excessive use of deadly physical force by the officer. ~~[that results in death or serious physical injury.]~~ **For the purposes of this rule, “deadly physical force” means an intentional use of force.**

(2) A disciplining body shall impose upon a law enforcement officer disciplinary action within the following disciplinary range upon a finding that the officer engaged in misconduct constituting unjustified or excessive use of physical force by the officer that results in death or serious physical injury:

(a) The presumptive sanction shall be termination.

(b) The mitigated sanction shall be suspension without pay, salary reduction, or demotion. ~~[or a written reprimand.]~~

(3) A disciplining body shall impose upon a law enforcement officer disciplinary action within the following disciplinary range upon a finding that the officer engaged in misconduct constituting unjustified or excessive use of physical force by the officer that results in physical injury:

(a) The presumptive sanction shall be termination.

(b) the mitigated sanction shall be suspension without pay, salary reduction, demotion, or written reprimand.

(4) A disciplining body shall impose upon a law enforcement officer disciplinary action within the following disciplinary range upon a finding that the officer engaged in misconduct constituting unjustified or excessive use of physical force by the officer that results in no injury:

(a) The presumptive sanction shall be suspension without pay, salary reduction, or demotion.

(b) The mitigated sanction shall be written reprimand or no discipline.

(c) The aggravated sanction shall be termination.

Division 10

Discipline Standards for Misconduct

265-010-0025

Moral Character

(1) For the purposes of this rule, lack of good moral character means conduct constituting:

(a) A felony under state or federal law

(b) Domestic violence

(c) Stalking

(d) A drug-related offense, except for offenses involving use or possession of marijuana

(e) A bias or hate crime under state or federal law

(f) A sex crime

(g) Untruthfulness

(h) Misuse of authority [~~for financial gain~~]

(2) If a law enforcement officer is convicted of a crime based on conduct identified in subsection (1) of this rule, proof of the conviction is conclusive evidence that the conduct occurred.

(3) A disciplining body shall impose upon a law enforcement officer disciplinary action of termination upon a finding that the officer engaged in misconduct demonstrating a lack of good moral character.