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Subject: Working Draft Document
Date: Wednesday, May 25, 2022 3:52:00 PM
Attachments: [DRAFT KARIA Standards of Conduct and Disciplinary Standards 5.25.22.docx](#)

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Fred,

Per the Commission meeting earlier today, please see the attached working draft document for distribution to the Commission.

Thanks,
Anil

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Standards of Conduct and Disciplinary Standards

Unjustified or excessive use of physical or deadly force;

For the purpose of this rule:

“Deadly physical force” has the meaning given that term in ORS 161.015(3): physical force that under the circumstances in which it is used is readily capable of causing death or serious physical injury.

“Physical force” includes, but is not limited to, the use of an electrical stun gun, tear gas or mace, as under ORS 161.015(6), and any other force that is not readily capable of causing death or serious physical injury.

“Serious physical injury” has the meaning given that term in ORS 161.015(8): physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

A law enforcement agency will impose upon a law enforcement officer disciplinary action within the following disciplinary range upon a sustained violation of law enforcement agency policy that involves unjustified or excessive use of physical or deadly physical force that results in death or serious physical injury.

[Insert Table] *Range of disciplinary or corrective actions: Termination.*

Sexual harassment;

For the purpose of this rule, sexual harassment has that meaning under OAR 839-005-0030: sexual harassment is unlawful discrimination on the basis of sex and includes the following types of conduct:

(a) Unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature when such conduct is directed toward an individual because of that individual's sex and:

(A) Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or

(B) Submission to or rejection of such conduct is used as the basis for employment decisions affecting that individual.

(b) Any unwelcome verbal or physical conduct that is sufficiently severe or pervasive to have the purpose or effect of unreasonably interfering with work performance or creating a hostile, intimidating or offensive working environment.

A law enforcement agency will impose upon a law enforcement officer disciplinary action within the following disciplinary range upon a sustained violation of law enforcement agency policy that involves sexual harassment.

[Insert Table] *Range of disciplinary or corrective actions: Counseling through termination.*

Sexual assault;

As used in this rule, “sexual assault” has the meaning given that term in ORS 243.317: unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat or intimidation.

A law enforcement agency will impose upon a law enforcement officer disciplinary action within the following disciplinary range upon a sustained violation of law enforcement agency policy that involves the conviction of or plea to a felony, or felonious misconduct, involving sexual assault.

[Insert Table] *Range of disciplinary or corrective actions: Termination.*

Assault;

As used in this rule, “assault” has the meaning given that term in ORS 163.115: assault in the first degree, as defined in ORS 163.185, and the victim is under 14 years of age; or assault in the second degree, as defined in ORS 163.175 (1)(a) or (b), and the victim is under 14 years of age.

A law enforcement agency will impose upon a law enforcement officer disciplinary action within the following disciplinary range upon a sustained violation of law enforcement agency policy that involves the conviction of or plea to a felony, or felonious misconduct, involving assault.

[Insert Table] *Range of disciplinary or corrective actions: Termination.*

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;

Except where a law enforcement officer is relying on membership in a protected class for a suspect description or for information related to an identified or suspected violation of a provision of law, a law enforcement agency will impose upon a law enforcement officer disciplinary action within the following disciplinary range upon a sustained violation of law enforcement agency policy that prohibits intentional misuse of police authority that amounts to constitutional violations where the law enforcement officer intentionally targets individuals solely because of their membership in a protected class (race, ethnicity, national origin, sex, gender identity, sexual orientation, religion or homelessness).

[Insert Table] *Range of disciplinary or corrective actions: Suspension through termination.*

Moral character (i.e., moral turpitude):

For the purpose of this rule, a law enforcement officer does not maintain sufficient “moral character” if the law enforcement officer engages in:

- A felony crime conviction or felonious misconduct;
- Domestic violence as that term is used in ORS 135.230;
- Conviction of a crime that is a DPSST certification disqualifying crime under OAR 259-008-0300(2);
- Dishonesty that is directly relevant to the duties of the law enforcement officer’s job classification, where the term “dishonesty” has that meaning under OAR 259-008-0300(3)(a)(A): “Dishonesty is intentional conduct that includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification or reckless disregard for the truth.” The types of dishonesty that are directly relevant to the job duties of a law enforcement officer include: Deceptive conduct in formal setting, such as testimony, affidavit, police report, official statement, internal affairs investigation; Tampering with or fabricating evidence; Deliberate failure to report criminal conduct by other officers; Willfully making a false statement to another officer on which other officer relies in official setting; Repeated, habitual or a pattern of dishonesty, however minor, during internal affairs investigation; Persistent dishonesty following *Garrity* warning or following administrative action; and Other deceitful acts that demonstrate disregard for constitutional rights of others or the laws, policies and standards of proper police practice;
- Public corruption for monetary gain; or
- Intentional misuse of police authority based on protected class status.

A law enforcement agency will impose upon a law enforcement officer disciplinary action within the following disciplinary range upon a sustained violation of law enforcement agency policy that involves moral character misconduct.

[Insert Table] *Range of disciplinary or corrective actions: Termination.*

The use of drugs or alcohol while on duty.

Unless permitted by law enforcement agency policy pursuant to a law enforcement officer's official duties, a law enforcement agency will impose upon a law enforcement officer disciplinary action within the following disciplinary range upon a sustained violation of law enforcement agency policy that prohibits a law enforcement officer from using illegal drugs or alcohol while on duty.

[Insert Table] *Range of disciplinary or corrective actions: Suspension through termination.*