



**COMMISSION ON
STATEWIDE LAW
ENFORCEMENT STANDARDS
OF CONDUCT AND
DISCIPLINE**

CONDUCT BASED ON SUSPECT CLASSIFICATION (TERMINABLE CONDUCT)

Required Standard/Discipline: 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). (Submitted by Commissioner Karia)

CONDUCT BASED ON SUSPECT CLASSIFICATION

(TERMINABLE CONDUCT)

- ⦿ (1) A law enforcement agency will impose upon a law enforcement officer disciplinary action within the following disciplinary range upon a finding that the officer engaged in profiling. (Alternative)
 - “Profiling” means the targeting of an individual by a law enforcement agency or a law enforcement officer, on suspicion of the individual’s 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**, unless the agency or officer is acting on a suspect description or information related to an identified or suspected violation of a provision of law.” ORS 131.915.
- ⦿ (2) A law enforcement agency will impose upon a law enforcement officer disciplinary action within the following disciplinary range upon a finding that the officer has committed a bias crime under ORS 166.155 or ORS 166.165, or a crime of the same or similar character in any other state or under federal law. (Alternative).

CONDUCT BASED ON SUSPECT CLASSIFICATION (TERMINABLE CONDUCT)

- ⦿ (3) A law enforcement agency will impose upon a law enforcement officer disciplinary action within the following disciplinary range upon a finding that the officer knowingly joined or participated in any organization that promotes hatred or discrimination toward racial, religious, ethnic, or other groups or classes of individuals protected by law. (Alternative)

MORAL CHARACTER

(TERMINABLE CONDUCT)

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);
 - Felony convictions
 - Conviction for drug-related offense, except for convictions involving use or possession of marijuana
 - Domestic violence conviction
 - Bias or hate crime
 - Required to register as a sex offender
- ⦿ Dishonesty related to officer’s duties as defined in 259-008-0300(3)(a)(A);
- ⦿ Public corruption for monetary gain; or
- ⦿ Intentional misuse of police authority based on protected class (may be included under conduct based on suspect class). (Submitted by Commissioner Karia)

MORAL CHARACTER

(TERMINABLE CONDUCT)

Other Considerations:

- ◎ Establish a standard of moral character
 - For example: All law enforcement officers of this state must be of good moral character. A lack of “good moral character” may be established by reference to acts or conduct that reflect moral turpitude or to acts or conduct which would cause a reasonable person to have substantial doubts about the individual’s honesty, fairness and respect for the rights of others and for the laws of the state and the nation. The conduct or acts in question should be rationally connected to the officer’s fitness to perform the duties of a police officer. *See* ORS 9.220(2)(b) (defining moral character for members of the Bar).

MORAL CHARACTER

(TERMINABLE CONDUCT)

- ⦿ Expand scope of DPSST disqualifying crimes to include conduct constituting the enumerated crimes, not just convictions for those crimes
- ⦿ Include crimes and misconduct related to:
 - Theft offenses
 - Violations of oath of office
 - Animal abuse
- ⦿ Non-exclusive list of terminable misconduct

USE OF DRUGS/ALCOHOL ON DUTY

(TERMINABLE CONDUCT)

- ⦿ 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. (Submitted by Commissioner Karia)
- ⦿ (1) 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 finding that the law enforcement officer used or possessed a controlled substance without a lawful prescription. (Alternative)

USE OF DRUGS/ALCOHOL ON DUTY

(TERMINABLE CONDUCT)

- (2) 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 finding that the law enforcement officer was impaired to a noticeable or perceptible degree due to an intoxicating substance while reporting to duty or while on duty. (Alternative)