

265-001-0005

Notice of Proposed Rules

Prior to adoption, amendment or repeal of any permanent rule, the Commission shall give notice of the intended action:

- (1) In the Secretary of State's bulletin referred to in ORS 183.360 at least 21 days prior to the effective date of the rule;
- (2) By mailing or e-mailing a copy of the Notice to persons on the mailing list established pursuant to ORS 183.335 (8) at least 28 days prior to the effective date of the rule;
- (3) By mailing or e-mailing a copy of the notice to the legislators specified in ORS 183.335(15) at least 49 days before the effective date of the rule; and
- (4) By mailing, e-mailing, or furnishing a copy of the notice to the following at least 28 days prior to the effective date of the rule:
 - (a) The Associated Press;
 - (b) The Capitol Press Room;
 - (c) Each District Attorney in the state;
 - (d) Each Sheriff in the state;
 - (e) Each Chief of Police in the state;
 - (f) The Superintendent of the Oregon State Police;
 - [\(g\) The Director of the Oregon Department of Corrections;](#) and
 - [\(gh\) Each civilian or community oversight board, agency, or review body as defined in ORS 243.812\(15\)\(b\).](#)

265-005-0001

Definitions

- (1) “Assault” has the meaning given that term in ORS 163.115.
- (2) “Civilian or community oversight board, agency or review body” has the meaning given that term in ORS 243.812.
- (3) “Controlled Substance” has the meaning given that term in ORS 475.005.
- (4) “Deadly physical force” has the meaning given that term in ORS 161.015.
- (5) “Disciplinary action” includes a personnel action against a law enforcement officer in the form of a written reprimand, suspension without pay, reduction in salary, demotion, or

termination of employment upon a finding that the law enforcement officer engaged in misconduct.

(6) “Disciplining body” means a law enforcement agency or, if applicable, a civilian or community oversight board, agency or review body.

(7) “Domestic violence” has the meaning given that term in ORS 135.230.

(8) “Finding” means a final determination by the decision maker of a disciplining body that a law enforcement officer has engaged in misconduct for which the decision maker making the determination has authority to impose disciplinary action.

(9) “Intentional” has the meaning given that term in ORS 161.085.

(10) “Justification” means a justifiable use of physical or deadly physical force pursuant to ORS 161.205 to ORS 161.267.

(11) “Just Cause” has the meaning given that term in ORS 236.350.

(12) “Law enforcement agency” has the meaning given that term in ~~ORS 131.930~~ [ORS 243.812](#).

(13) “Law enforcement officer” has the meaning given that term in ~~ORS 131.930~~ [ORS 243.812](#).

(14) “Misconduct” means conduct that violates state, tribal or federal law or the policies of the law enforcement agency employing the law enforcement officer, or that subjects the law enforcement officer to disciplinary action under these rules.

(15) “Misuse of authority for financial gain” occurs when a law enforcement officer’s vote, opinion, judgment, action, decision or exercise of discretion is influenced by the officer’s solicitation or acceptance of a financial benefit for the officer or a third person. This rule does not apply to agency-approved fundraising activities.

(16) “Moral Character” means performing the duties of a law enforcement officer in a manner that demonstrates honesty, fairness, and respect for the rights of others and for the laws of the state and the nation.

(17) “Physical Force” has the meaning given that term in ORS 161.015.

(18) “Physical Injury” has the meaning given that term in ORS 161.015.

(19) “Serious Physical Injury” has the meaning given that term in ORS 161.015.

(20) “Sexual assault” has the meaning given that term in ORS 243.317.

(21) “Sex crime” has the meaning given that term in ORS 163A.005.

(22) “Sexual Harassment” has the meaning given that term in OAR 839-005-0030.

(23) “Stalking” means engaging in conduct constituting the crime of stalking in ORS 163.732.

(24) “Untruthfulness” means knowingly or willfully making false statements, falsifying work-related records or official documents, omitting material facts or material information, or answering questions or providing information in a manner that is incomplete, evasive, deceptive, or misleading. A statement is not considered untruthful when the officer reasonably believes that deception (i) is necessary due to the nature of the officer’s assignment, such as an undercover assignment; (ii) is necessary to acquire information for a criminal investigation, or (iii) to protect the officer or others from an articulable threat. The use of deception in these circumstances must be for a specific and legitimate law enforcement purpose and must be temporary in nature.