

Meeting Minutes

Commission on Statewide Law Enforcement Standards of Conduct and Discipline

Date: March 18, 2025

Time: 1:00 pm to 3:00 pm

Location: Virtual via Zoom

Call to Order, Roll Call

Attendees

Members in attendance: Sheriff Angela Brandenburg, Phil Castle, Dave Henslee, Michael Lopez, Kelsie McDaniel, Steven Schuback, Michael Slauson, Kristen Winemiller

Staff in attendance: Lauri Stewart, Toni Kemple

Members not in attendance: Tarron Anderson, Chief George Burke, Anil Karia, Benny Williams, Senator Floyd Prozanski, Representative Jeff Helfrich

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

Chair Michael Slauson asked for corrections, additions, deletions, or any objections to approving the minutes for the January 30, 2025, Commission meeting. A motion to approve the minutes was made by Commissioner Henslee and seconded by Commissioner Brandenburg and Commissioner Castle. Hearing no objections or concerns, the minutes for January 30, 2025, were approved. (see video time stamp 0:02:24)

PRESENTATIONS:

1. Executive Director's Report – Presented by Lauri Stewart – Video time stamp 0:03:26

The Executive Director provided a brief update on current work including the following:

- Reviewing survey responses and preparing an Implementation Report
 - From the Implementation Report:
 - The response rate from the agencies was only about 36% overall
 - Represented most of the larger agencies which means that about 66% of the law enforcement officers in the state are in agencies that have adopted the standards
- Work on building a new database for both survey responses and public comments
- Preparing to relocate the website and as part of that process, updating the website to make it easier to find, easier to use, and expand the content to offer more resources
- Updating the survey in time for the 2025 data collection

- Establishing a regular meeting schedule for the Commission
 - o Meetings will be held the 1st Thursday of every month from 1:00 pm to 3:00 pm

2. Discussion Item – Review process for the existing standards – Video time stamp 0:09:44

Discussion and review of standards.

Untruthfulness:

- Discussion of Commissioner Schuback's comments regarding untruthfulness as defined under Moral Character and DPSST's definition of dishonesty that includes the term untruthfulness, but also has other categories including reckless disregard for the truth. (see video time stamp 0:10:50)
- Continuing the discussion, Commissioner Castle commented upon employment and certification. (see video time stamp 0:15:02)
- Speaking to reckless disregard for the truth, Commissioner McDaniel commented on the Brady policy for her office, and provided an example (see video time stamp 0:17:19)
- Flag this for further research. Commissioner Slauson summarized the discussion. (see video time stamp 0:27:57)

History of the Rules – Video time stamp 0:29:41

The legislature passed the statute creating the Commission and establishing the timeline for which the Commission shall adopt the standards of conduct and discipline for seven (7) categories. Some categories were defined by statute, some were not. Since there was a relatively short time for coming up with the standards for categories described by the legislature, it was decided as a group to focus on conduct within those categories that would result at least as a presumptive sanction of termination. The Commission developed a discipline matrix for each of those categories.

Continued discussion of the standards and review of the matrix. Video time stamp 0:35:50

Sexual Assault (OAR 265-010-001)

- Commissioners agreed that the presumptive discipline should be termination (see video time stamp 0:36:48)
- Commissioners disagreed about the mitigated sanction. Ultimately a majority voted to include Demotion, Salary Reduction, Suspension Without Pay and Written Reprimand (see video time stamp 0:36:54)
- This did get public attention, including news articles, and feedback from members of the public (see video time stamp 0:37:28)
- Engaging in Misconduct Demonstrating Lack of Good Moral Character (OAR 265-010-0025) – In this rule, commission of conduct constituting a sex crime does require mandatory termination. If someone has committed a sex crime which is also an act of sexual assault, they would be subject

to termination as a mandated penalty without mitigation opportunities under this rule (see video time stamp 0:37:49)

Unjustified or Excessive Use of Deadly Force that Results in Death or Serious Physical Injury (OAR 265-010-0015) and Unjustified or Excessive Use of Physical Force that Results in Death or Serious Physical Injury (OAR 265-010-0015)

- These rules did get public attention with feedback that harm should not be considered a factor (see video time stamp 0:37:28)

Brief discussion of Aggravating and Mitigating Factors. (see video time stamp 0:40:27)

Brief discussion of Definitions. (see video time stamp 0:42:05)

Proposed Agenda Items

Discussion of possible agenda items and items for review or research for the next meeting.

- Research regarding Commissioner Shuback's question regarding reckless disregard of the truth
- Commissioner Brandenburg suggested revisiting the rule on sexual assault and several commissioners supported the suggestion
- Request for copies of public comments and hearings
- Continue work in expanding the existing seven (7) categories, in particular, what the Commission was working on last, the unjustified or excessive use of force
- Commissioner Schuback suggested engaging in a discussion of the duty to intervene under ORS 181A.681 and also the duty to report
- Consider training

Public Comment

Marc Poris (see video time stamp 1:02:32) and Barbara Kenny (see video time stamp 1:04:14)

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/>

- Implementation Report [https://justice.oregon.gov/lesc/documents/LESC Implementation Report 031325.pdf](https://justice.oregon.gov/lesc/documents/LESC%20Implementation%20Report%20031325.pdf)
- LESC Guidelines [https://justice.oregon.gov/lesc/documents/LESC 2024-02 Revised Guide to the LESC Rules.pdf](https://justice.oregon.gov/lesc/documents/LESC%202024-02%20Revised%20Guide%20to%20the%20LESC%20Rules.pdf)

Next Meeting:

Date: April 3, 2025

Time: 1:00 pm to 3:00 pm

Location: Via ZoomGov