

Meeting Minutes

Commission on Statewide Law Enforcement Standards of Conduct and Discipline

Date: April 3, 2025

Time: 1:00 pm to 3:00 pm

Location: Virtual via Zoom

Call to Order, Roll Call

Attendees

Members in attendance: Tarron Anderson, Sheriff Angela Brandenburg, Chief George Burke, Phil Castle, Michael Slauson, Benny Williams, Kristen Winemiller

Staff in attendance: Lauri Stewart, Toni Kemple

Members not in attendance: Dave Henslee, Anil Karia, Michael Lopez, Kelsie McDaniel, Steven Schuback, 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

Executive Director Lauri Stewart asked for corrections or changes to the March 30, 2025, minutes as presented. Hearing no objections, Commissioner Slauson declared the minutes for March 30, 2025, approved. (see video time stamp 0:01:15)

PRESENTATIONS:

1. Executive Director's Report – Presented by Lauri Stewart – Video time stamp 0:01:52

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

- Reviewing public comments and preparing a public comment report.
 - From the Public Comment Report:
 - There were 204 comments received from 186 individual commentors and 122 of those were unduplicated.
 - Themes that emerged from the respondents included the following:
 - 67% of all respondents felt that the standards generally did not increase trust or accountability
 - Almost the same number felt the standards were not restrictive enough
 - 63% wanted hate group membership banned
 - Many respondents wanted “termination only” for sexual assault, for use of force and profiling/targeting

- It was recommended that “justification” be defined for the use of physical and deadly force
- Multiple calls for defining “excessive”
- Use of force or deadly physical force should not be tied to level of injury
- Concerns regarding the definition of “untruthfulness”

2. Discussion Item – Continue review process for the existing standards – Video time stamp 0:10:57

PowerPoint – Discussion of Definitions

Sexual Assault (OAR 265-010-0001) (see video time stamp 0:12:34)

- Discussion focused primarily on Workplace context
- Definition is identified by statute, ORS 243.317. “Sexual Assault” means unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat, or intimidation.
- Explanation of the voting process of the Commission on this rule
- Within Moral Character OAR 265-010-025, a sex crime is mandatory termination

Discussion regarding the possibility of cross-referencing, defining what would constitute a written reprimand or adding sexual harassment and how this could be accomplished practically. Reviewing the current guidelines, and possibilities of adding to the matrix and the possibility of adding additional categories/boxes, such as a mandated penalty of termination if it’s an act of sexual assault also constituting a felony assault/sex crime; an act sexual assault constituting a misdemeanor sexual harassment; and act of sexual assault not constituting a crime. (see video time stamp 0:24:00)

Staff will bring back proposals for the Commission to consider.

Sexual Harassment (OR 265-010-0005) (see video time stamp 0:39:20)

- OAR 839-005-0030 Sexual Harassment in Employment

Assault (OAR 265-010-0010) (see video time stamp 0:43:39)

- Definition is Identified by statute, ORS 163.115 (6)(a). “Assault” means the intentional, knowing or reckless causation of physical injury to another person. “Assault” does not include the causation of physical injury in a motor vehicle accident that occurs by reason of the reckless conduct of a defendant.
- Public comment in some ways conflated, in some ways, all of the physical force and assault together.

Discussion regarding intentional assault and reviewing the sanctions and possibly amending the rules.

Unjustified or Excessive Use of Physical or Deadly Force (OAR 265-010-0015) (see video time stamp 0:54:10)

- General Definitions from ORS 161.015
- Chair Slauson mentioned feedback from former Superintendent of Oregon State Police Travis Hampton shared the suggestion that if an officer uses unjustified or excessive use of deadly physical force, that should result in termination regardless of the resulting injury.

Discussion on physical force, definitions, intentionality, whether the type of injury applies and what applies to sanctions.

Bias/Profiling (OAR 265-010-0020) (see video time stamp 1:11:55)

- 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
- An officer has to violate a statute or a constitutional law when they are essentially profiling

Discussion on public comments that suggested there is more to bias and discrimination than just profiling.

Moral Character (OAR 265-010-0025) (see video time stamp 1:15:04)

Chair Slauson noted that untruthfulness is part of Moral Character.

- Untruthfulness/Deceit/Dishonesty (see video time stamp 0:12:34)
 - LESC Rule Definition
 - DPSST definition in OAR 259-008-0290

Discussion regarding the definitions, Commissioner Schuback's comments regarding untruthfulness as defined under Moral Character and DPSST's definition, and possibly adding a second category. Chair Slauson suggested this may be appropriate for a future meeting.

Proposed Agenda Items

Items for future discussion:

- Willful Blindness
- Failure to Intervene
- Hate Group Membership

Future meetings will be the 1st Thursday of each month. The Executive Director will check with the members to change the start time to 3:00 PM.

Public Comment

Charlie Michelle-Westley (see video time stamp 1:37:00)

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/>

- PowerPoint presentation
- Public Comment Report
- Addendum to Public Comment Report

Next Meeting:

Date: May 1, 2025

Time: 3:00 pm to 5:00 pm

Location: Via ZoomGov