

Meeting Minutes

Commission on Statewide Law Enforcement Standards of Conduct and Discipline

Date: October 2, 2025

Time: 3:00 p.m. to 5:00 p.m.

Location: Virtual via Zoom

Call to Order, Roll Call

Attendees

Members in attendance: Tarron Anderson, Sheriff Angela Brandenburg, Chief George Burke (arrived after roll call), Phil Castle, Dave Henslee (arrived after roll call) Anil Karia, Michael Lopez (arrived after roll call), Steven Schuback, Michael Slauson, Benny Williams, Kristen Winemiller, Jake McKnight (appeared by phone)

Staff in attendance: Lauri Stewart, Toni Kemple

Members not in attendance: Kelsie McDaniel

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: [LESC - Oregon Department of Justice](#)

MOTION

Executive Director Lauri Stewart asked for corrections or changes to the August 13, 2025, minutes as presented. Hearing no objections, Executive Director Stewart declared the minutes for August 13, 2025, approved by general consent. (see video time stamp 0:01:49)

PRESENTATIONS:

1. Executive Director's Report – Presented by Lauri Stewart – Video time stamp 0:02:03

- Finalized and launched annual surveys
- Completed and submitted the annual report
- Analysis of survey results
- Scheduling subcommittees
- Developing and delivering a presentation about the Commission and Ethics in Policing for the annual 4-day in-service training for the Eugene Police Department
- Continuing work on the broader LESC training for law enforcement agencies on implementation.

2. Discussion Item – Report from the Subcommittee on Moral Character – Video time stamp 0:05:51

Commissioner Schuback presented on behalf of the subcommittee and noted that Commissioner Castle provided follow-up information to the subcommittee. That information is available on the website. The committee had consensus to some degree that the misuse of authority for financial gain should remain in place as a terminable offense. At the same time, the concept of misuse of authority for other categories should be contemplated, some terminable and some not terminable. Commissioner Schuback provided examples.

Commissioner Slauson suggested that in his opinion the rule for Moral Character should remain for offenses that the Commission agrees are terminable offenses and if the commission thinks that there is other conduct that is not terminable, he suggests they find another rule for that.

Commissioners Schuback and Castle commented on other misuse of authority that may be terminable. Commissioner Burke commented on the difficulty of splitting out the offenses.

Commissioner Winemiller asked whether Commissioner Slauson's suggestion would be a separate category and how that would look. Discussion followed and Commissioner Castle commented on the moral fitness aspect and employment actions for an egregious misuse of authority and possible gaps. Commissioner Slauson suggested that for the purposes of Moral Character, misuse of authority should encompass anything that the subcommittee and the commission as a whole believes are terminable misuses of authority. Commissioner Schuback noted that the input has been helpful and clarified that the terminology misuse of authority could be used in a different category and maintain the sanctity that moral character is a terminable offense. He also asked Commissioner Castle if there was a distinction for him between moral fitness, which DPSST uses, and moral character. Discussion followed.

The subcommittee will meet again to review.

3. Discussion Item – Report from the Subcommittee on Sexual Assault – Video time stamp 0:21:45

Commissioner Henslee presented on behalf of the subcommittee. Although the committee did make progress, they feel that another meeting would be helpful. There are two categories, and the subcommittee agree with the language in section one (1) but thought that referencing ORS 163A.005, which lists what constitutes a sex crime, in the rule might be helpful. The second category, there was some question about the use of sexual assault and how it might be changed.

Commissioner Henslee would like to see language that specifically says that consent is not a defense where there is a power imbalance. The subcommittee also discussed mandatory referral to criminal investigation body if it is a crime.

Commissioner Schuback appreciated the reference to consent is not a defense.

Commissioner Schuback noted that the statute that the subcommittee identified for sex crime is currently in the rules and described some of the history behind this rule.

Commissioner Burke spoke about power imbalance and added under the color of authority.

Commissioner Lopez asked if this power imbalance would apply to their personal life. Discussion followed about various instances of possible power imbalance. Commissioner Schuback provided an additional example and agreed with the use of color of authority.

Commissioner Henslee thanked everyone for their participation in the discussion today.

The subcommittee will meet again to review.

4. Discussion Item – Report from the Subcommittee on Assault – Video time stamp 0:21:45

Commissioner Lopez presented on behalf of the subcommittee. Commissioner Williams noted that the handout showed corrections to the rule, in particular section 2, and it was noted that there were no changes made to the proposed changes. Commissioner Brandenburg shared briefly about including intentional and knowing.

Commissioner Schuback noted that earlier conversations had talked about changing the intent standard and asked for examples. Commissioner Slauson noted that there are definitions for intentional, knowing and reckless within the criminal code and those could be modified and adopted. Commissioner McDaniel provided an example to explain the difference between intentional, knowingly, reckless and criminal negligence. Commissioner Brandenburg noted that there is a carve out for motor vehicles. Commissioner Schuback asked about possible concern about the overlap with use of force.

Commissioner Burke asked if this was related to off duty conduct or related to conduct while working, or both. Commissioner Slauson suggested that it may apply to both. Commissioner Burke indicated that he felt it centered more on off duty conduct. Executive Director Stewart said the assumption was that it is probably mostly off duty conduct but there may be exceptional situations.

Commissioner Lopez explained the golf club analogy for intentional, knowingly and reckless.

Commissioner Schuback brought up another example regarding a misdemeanor. Commissioner Brandenburg talked about committing a crime being a terminable offense.

MOTION

Motion to start a conversation with the rest of the commission was made by Commissioner Brandenburg and seconded by Commissioner Castle. Discussion followed regarding on duty and off duty conduct. Commissioner Williams suggested that the commission add language that states it includes both on and off duty behavior on the part of officers. Commissioner Lopez agreed with Commissioner Williams and suggested that it go back to the subcommittee for the

corrections. Commissioner Schuback expressed concerns about Assault 4. Commissioner McDaniel responded to Commissioner Schuback's comments.

Commissioner Brandenburg withdrew her motion and returned it back to the subcommittee. (*see Video time stamp 0:54:43*).

Commissioner Slauson expressed agreement with Commissioner McDaniel's comments and made suggestions for language in the rules.

The subcommittee will meet again to review.

5. Discussion Item – Report from the Subcommittee on Use of Force– Video time stamp 1:12:40

Commissioner Karia presented on behalf of the subcommittee. The subcommittee will be meeting again on October 23, 2025.

The proposed rule change refines the deadly force standard such that it removes death or serious physical injury language and focuses on the application of deadly force. The subcommittee discussed justification and the inclusion of the word excessive.

The subcommittee also reviewed the proposed rules regarding physical force generally and the conversation was left with a threshold question of how do we break down these categories.

Commissioner Slauson commented on the removal of the word excessive. Legislatively the commission is required to come up with a rule about unjustified or excessive use. It is a statutory requirement. There may be room for defining excessive for clarity purposes. Commissioner Karia noted that justified is already defined in the rules and may have a statutory reference, but there is no similar reference for excessive.

Commissioner Schuback asked if counseling would be included in the mitigated sanction "no discipline" which is in section four (4). Commissioner Karia explained what the corrective action of "no discipline" would include.

Public Comment (*see Video time stamp 1:19:47*)

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/llesc/>

- [OAR-265-010-0001-Sexual-Assault-proposed-amendments.pdf](#)
- [Misuse-of-Authority-Report-Castle.pdf](#)
- [Notes-OAR-265-010-0015-Unjustified-or-Excessive-Use-of-Physical-or-Deadly-Force-proposed-amendments-9.25.25.pdf](#)
- [Definitions-Intentional-Knowing-Reckless.pdf](#)

- [OAR-265-010-0025-Moral-Character-proposed-amendments.pdf](#)
- [OAR-265-010-0010-Assault-proposed-amendments.pdf](#)

Next Meeting:

Date: November 6, 2025

Time: 3:00 pm to 5:00 pm

Location: Via **ZoomGov**