

## Meeting Minutes

### Commission on Statewide Law Enforcement Standards of Conduct and Discipline

Date: November 6, 2025

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

Location: Virtual via Zoom

Call to Order, Roll Call

#### Attendees

Members in attendance: Chief George Burke (arrived after roll call), Phil Castle, Dave Henslee, Jeff Howes, Anil Karia, Michael Lopez, Kelsie McDaniel (arrived after roll call), Chief Jake McKnight, Steven Schuback, Benny Williams (arrived after roll call), Kristen Winemiller

Staff in attendance: Lauri Stewart, Toni Kemple

Members not in attendance: Tarron Anderson, Sheriff Angela Brandenburg

#### 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](#)**

(Please note: Due to technical difficulties, this meeting is recorded as two videos and both videos can be found on the website.)

#### MOTION

Executive Director Lauri Stewart asked for any objections, corrections or changes to the October 2, 2025, minutes as presented. Hearing none, Executive Director Stewart declared the minutes for October 2, 2025, approved by general consent. (see video time stamp 0:01:20)

#### PRESENTATIONS:

**Executive Director's Report – Presented by Lauri Stewart – *Video time stamp 0:01:40***

October was a very busy month and included the following priorities.

- Scheduling and facilitating the second round of subcommittee meetings
- Continuing work on a comprehensive training for those who investigate and make findings and decide on disciplinary actions for law enforcement officers accused of misconduct.

#### ANNOUNCEMENTS:

The Attorney General has announced some leadership transitions. Jeff Howes will be taking on the role of acting Division Director at the Criminal Justice Division as Michael Slauson

will be taking on a new role at the Department of Justice that will be announced in the future. The Executive Director took the opportunity to thank Michael Slauson for all his dedicated work for the Commission and wish him well in his future endeavors. (*see Video time stamp 00:02:30*)

Introduction and welcome of the new interim Chief Counsel of the Criminal Justice Division, Jeff Howes, appointed by our Attorney General to take over as commissioner and chair of the LESC. (*see Video time stamp 00:03:10*)

Introduction and welcome of Chief Jake McKnight, appointed by the Attorney General as the tribal representative on the Commission. (*see Video time stamp 00:03:40*)

### **INTRODUCTIONS:**

Jeff Howes, Chair (*see Video time stamp 00:04:28*)

Lauri Stewart (*see Video time stamp 00:06:24*)

Steven Schuback (*see Video time stamp 00:07:30*)

Michael Lopez (*see Video time stamp 00:08:09*)

Kristen Winemiller (*see Video time stamp 00:08:48*)

Anil Karia (*see Video time stamp 00:09:34*)

Chief George Burke (*see Video time stamp 00:10:00*)

Dave Henslee (*see Video time stamp 00:10:30*)

Kelsie McDaniel (*see Video time stamp 00:11:24*)

Benny Williams (*see Video time stamp 00:12:14*)

Phil Castle (*see Video time stamp 00:12:58*)

Chief Jake McKnight (*see Video time stamp 00:13:37*)

Toni Kemple (*see Video time stamp 00:14:16*)

### **SUBCOMMITTEE REPORTS:**

Brief introduction of the subcommittees by the Executive Director. Four rules have been identified for changes including Assault, Sexual Assault, Use of Force and Moral Character.

#### **1. Discussion Item – Report from the Subcommittee on Sexual Assault – Video time stamp 0:16:10**

Commissioner Henslee presented on behalf of the subcommittee. The subcommittee focused primarily on section two and the language in section two, specifically the word assault and the need to come up with some better terminology or better language for section two. Commissioner Henslee, speaking for himself, finds it confusing that section one talks about crimes and section two talks about things that are not criminal in nature but yet it uses the

terminology assault, which is a crime. The subcommittee decided to come back to the full board to have a more robust conversation about what that terminology should look like. Commissioner Williams concurred with Commissioner Henslee's summary of the meeting.

Executive Director Stewart, in reviewing her notes, stated that the subcommittee had recapped the proposed changes to the assault rule. The current rule specifies a single category for sexual assault with a range of sanctions. The proposed language separates sexual assault constituting a sex crime from sexual assault that does not rise to that level. (*see Video time stamp 00:21:25*)

Commissioner Schuback had a question regarding identifying the sanction for a sex crime. He clarified asking if there would be a need for section one because it is redundant to the Moral Character. Discussion followed. Commissioner Karia noted that "our enabling statute tells us that we have to deal with 'the topic' of 'sexual assault' and then our enabling statute defines, gives us a definition of sexual assault that we have to use," and asked if there is a way of drafting the rule so that it points to the Moral Character rule. Discussion followed on how that might be accomplished including Chair Howes restatement of his understanding of the points Commissioner Schuback and Commissioner Karia were making. Commissioner Schuback suggested possible wording for the rule. Commissioner Lopez was in agreement.

### **MOTION**

Commissioner Schuback moved to add in the section that constitutes a sex crime, in section one, the additional language of, something to the effect of "*is considered a violation of Moral Character under OAR 265-10-0025.*" Commissioner Burke seconded the motion.

At his point (*see Video time stamp 00:37:45*) it appeared that both the Executive Director and the Chair were no longer at the ZoomGov meeting. Video paused/stopped.

### **MEETING RESUMED**

*Please note: The following events are located on Video Part 2 – Video time stamp 0:00:09*

Chair Howes explained the loss of internet at the office, and both the Chair and the Executive Director temporarily joined by phone.

Commissioner Schuback agreed to withdraw his motion, have the subcommittee draft the wording and bring it back to the Commission. Commissioner Williams suggested the Commission work on it during the meeting today. Commissioner Karia was not comfortable with that, suggesting that it go back to the subcommittee. Commissioner Burke agreed that it be referred back to the subcommittee. Commissioner Henslee had no objections to referring back to the subcommittee and suggested that Commissioner Schuback be included in the subcommittee to help craft the language.

Commissioner Castle encouraged keeping it simple. Commissioner Karia asked for clarification on part two of the rule. Commissioner Lopez asked about possible language. Regarding Commissioner Karia's comments, Commissioner McDaniel and Commissioner

Williams referred to the subcommittee's discussion about things that don't fall within criminal conduct or that don't fall within assault. Commissioner Winemiller liked the rewording of section two, however, she commented on some concerns with the wording of the rule. Commissioner Schuback talked about the legislative mandate and that perhaps there are three layers to deal with, and he described those layers.

This will go back to the subcommittee.

**2. Discussion Item – Report from the Subcommittee on Moral Character – Video time stamp 0:18:30**

Commissioner Schuback presented on behalf of the subcommittee. The Commission reviewed the draft concepts provided by the subcommittee. The subcommittee was reviewing misuse of authority and identifying another specific category where misuse of authority would be a terminable offense and a definition for this category.

Chair Howes expressed his appreciation for the work of the subcommittee.

Commissioner Karia asked about relationships that happen at work, something that was discussed at a prior commission meeting. Commissioner Schuback discussed possible exceptions and discussion followed. (see Video time stamp 00:28:14) Commissioner Castle spoke about adults in custody and that the person that is detained is unable to provide consent. Commissioner Henslee noted that this had been discussed in the Sexual Assault subcommittee and they talked about "consent could not be a defense if a person is in custody" and it was brought up in the broader commission meeting.

Commissioner McDaniel suggested another option using "soliciting or engaging in sexual acts or favors." Commissioner Lopez agreed with Commissioner McDaniel. Commissioner Karia agreed with Commissioner McDaniel but had concerns about the wording "stemming from a law enforcement encounter or action."

Commissioners can provide rule language and are encouraged to do so, but please be sure to copy the LESC email, Lauri and Toni to make sure it goes out to the commission.

This rule will go back to the subcommittee.

Commissioner Schuback also discussed a possible new rule for the Commission to consider in the future. This has been added to the working list of possible new rules.

**3. Discussion Item – Report from the Subcommittee on Use of Force – Video time stamp 0:43:35**

Commission Karia presented on behalf of the subcommittee. They have been working on a work product that is in draft rule form. In section one, deadly force applications that are excessive or unjustified shall result in termination, and the subcommittee has added clarification that it must be intentional. There was a question regarding defining "excessive force" since "unjustified or excessive" is included for both deadly and physical force.

Commissioner Schuback asked if when referring to unjustified would it be an out-of-policy type of finding. Commissioner Karia responded noting the definition of justification points to the criminal statutes. Excessive, using the constitutional standard, would cover both the criminal act and the out-of-policy use of force.

Commissioner Schuback had questions about other corrective actions under no discipline, and Commissioner Karia referred to a possible definition for other corrective actions. Commissioner Castle asked for clarification between unjustified and excessive. Commissioner Karia referred to the subcommittee's discussion about these words and the fact that the statute uses these words. Justification is defined in the OARs.

This will go back to the subcommittee.

**4. Discussion Item – Report from the Subcommittee on Assault – Video time stamp 0:59:54**

Most of the members of this subcommittee were not present at this commission meeting, and Executive Director Stewart gave a brief summary of the subcommittee meeting.

Commissioner Winemiller asked about failure to act and duty to intervene. Executive Director Stewart mentioned that these have been put forward as potential new rules for the Commission to consider. Commissioner Schuback mentioned that there is a statute on the duty to intervene, ORS 181A.681.

**MOTION**

A motion to move forward with the language as written was made by Commissioner McKnight. (see Video time stamp 1:04:10) No action was taken on the motion.

Commissioner Schuback asked to view the language of the rule and stated some concerns agreeing to this now without seeing what is done with unjustified use of force. Commissioner Karia indicated that he has brought up this issue in previous meetings. Discussion followed. Chair Howes commented on knowing, intentional, and unjustified in regard to use of force and assault. Commissioner Castle, in looking at section two, asked if there was a justified act of reckless assault. Discussion followed. Commissioner Schuback asked if the intent of this subcommittee was dealing with off duty conduct more than on duty stuff. Commissioner McKnight confirmed the intent is more off duty conduct. Discussion followed.

This will go back to subcommittee, and it would be a joint subcommittee meeting combining the Use of Force subcommittee and the Assault subcommittee.

**Public Comment** (see Video time stamp 1:18:10)

Nikolas Ruiz Anderson commented that input is always welcome regarding the Commission's concerns about the statutory requirements.

Marc Poris (see Video time stamp 1:20:41)

**DOCUMENTS REFERRED TO:**

**The following documents were discussed at the meeting and are available on request by emailing [ORLawEnfCommission@doj.state.or.us](mailto:ORLawEnfCommission@doj.state.or.us) or visiting the website at: [LESC - Oregon Department of Justice](#)**

- [Updated Notes Unjustified or Excessive Use of Physical or Deadly Force 10.23.25 »](#)
- [Excessive Force Definition Resources »](#)
- [OAR 265-010-0010 Assault – Proposed Amendments »](#)
- [Definitions – Intentional, Knowing, Reckless »](#)
- [OAR 265-010-0025 Moral Character – Proposed Amendments »](#)
- [Draft concepts Moral Character 10.31.25 »](#)
- [OAR 265-010-0001 Sexual Assault – Proposed change »](#)
- [Draft meeting minutes – October 2, 2025 »](#)
- [Draft concepts Moral Character Post Meeting 10.31.25 »](#)

**Next Meeting:**

**Date:** TBD

**Time:** 3:00 pm to 5:00 pm

**Location:** Via ZoomGov