

LESC Moral Character Subcommittee

~~11/6/25~~

12-9-25 sub notes

Draft concepts based on prior discussions

New proposed addition to OAR 265-010-0025: Moral Character:

(i) Misuse of Authority by soliciting or receiving acts or favors of a sexual nature.

~~option: sexual acts or sexual favors.~~

~~option: acts or favors of a sexual nature~~

~~OPTION: soliciting or engaging in sexual acts or favors.~~

265-005-0001: Definition: Misuse of Authority by soliciting or receiving sexual acts or favors occurs when a law enforcement officer, within the scope of their employment, color of authority, or stemming from a law enforcement encounter or action, solicits or receives acts or favors of a sexual nature from another individual, including, but not limited to, a person detained or in custody, victim, witness, or person associated with a law enforcement encounter.

This conduct includes, but is not limited to, solicitating acts or favors of a sexual nature for the benefit of themselves (or other), or action in exchange for leniency, forbearance, or other benefit given to the individual as related to a law enforcement action, process, or consequence. This definition is broadly construed.

This definition is not intended for circumstances of consensual relationships without misuse of authority. A person detained or in custody cannot provide consent.

~~option: A person in custody..(ie jailed).~~

~~discussion notes:~~

~~-other example: officer taking b/c they can without quid pro quo.~~

~~-caution: be mindful for consensual relationships without misuse of authority~~

~~-possible overlap with sex/assault crimes~~

~~-conduct of a sexual nature~~

~~Example: Soliciting a person in custody for a sexual act in lieu of continued custody.~~

Sanction: Mandatory termination.

New proposal OAR:

Misuse of Confidential Information or Records.

Misuse of a law enforcement confidential information, records or similar confidential source occurs when a law enforcement officer uses, accesses, distributes, modifies or other similarly related conduct contrary to policy or beyond the scope of a law enforcement purpose.

Example: LEDS violation.
 Unauthorized release or review of Body Cam footage.

Presumptive sanction: Maybe: written reprimand or suspension.
 Mitigation to counseling
 Aggravation to termination

Discussion notes: -Review confidential records policies

Draft concepts for discussion 10/31/25. Submitted by LESC Commissioner Schuback.