

## Meeting Minutes

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

Date: January 16, 2026

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

Location: Virtual via Zoom

Call to Order, Roll Call

#### Attendees

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

Staff in attendance: Lauri Stewart, Toni Kemple

Members not in attendance: Tarron Anderson, Chief George Burke, Dave Henslee,

#### 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 any objections, corrections or changes to the November 6, 2025, minutes as presented. Hearing none, Executive Director Stewart declared the minutes for November 6, 2025, approved by general consent. (see video time stamp 0:01:30)

#### PRESENTATIONS:

**Executive Director's Report – Presented by Lauri Stewart – Video time stamp 0:02:01**

- Scheduling and facilitating the subcommittee meetings
- Prepared and delivered a presentation to the Oregon Association of Counties
- Chair Howes delivered a presentation to the Oregon Sheriffs Association
- Preparing a list of potential next steps

#### SUBCOMMITTEE REPORTS:

Executive Director Stewart provided a brief summary of the subcommittee work since the last commission meeting. (see Video time stamp 00:03:10)

**1. Discussion Item – Report from the Subcommittee on Assault and Use of Force – Video time stamp 0:10:49**

Commissioner Karia presented on behalf of the subcommittee and thanked the Executive Director for the summary. Commissioner Karia pointed out that the Assault Subcommittee and the Use of Force Subcommittee merged because they realized that the use of force could also definitionally trigger an assault inquiry and if you look at the rules “they do not fit hand in glove.”

Two core decision points were discussed during the meeting, although not fully developed.

1) Specific to how to dovetail the two rules, if we can tie the assault rules to those events that fall outside of their color of authority or scope of employment (however that will be described), then the user would be directed to the assault rules. If the event happened under/within the color of authority or scope of employment, then the user would be directed to the use of force rules.

This would help the user that has a fact pattern that theoretically could involve an analysis of both the assault rules and the use of force rules. During the subcommittee meeting, the question was “can we split those up” and they noted that help was needed to come up with the proper term. It is not on or off duty that is the trigger, but it’s the capacity in which the officer is acting.

2) Justification is defined in our rules, but there is not a definition of excessive.

There was an ask for additional information from DPSST and sheriff’s representatives. Executive Director Stewart indicated that she had followed up with DPSST Director Castle, James Webb, and Scott Willadsen. In terms of the applicable constitutional standard, there was a Supreme Court decision in 2015, Kingsley vs. Hendrickson, that basically changed the analysis so that the language that is now used for both police and corrections is the objectively reasonable standard. Executive Director Stewart provided an example: “Excessive force is the use of physical force by law enforcement or corrections officers that exceeds what an objectively reasonable officer would consider necessary and proportionate given the totality of the circumstances.” Commissioner Karia requested copies of the information. Commissioner Castle offered to connect Commissioner Karia with Scott Willadsen.

Discussion continued regarding the meaning of “color of authority”.

It was suggested that Scott Willadsen be invited to the next subcommittee meeting.

Commissioner Karia confirmed that to date, no additional changes have been made to the assault rules as they are currently written. Chair Howes asked if Commissioner Karia was suggesting that if we finalize our understanding of the color of authority/scope of employment question and from there we review the definitions, the wording in the actual assault rule, then does Commissioner Karia think that those two things can come together with another subcommittee meeting and by the next meeting we will have a rule package ready for a vote?

Commissioner Karia confirmed “that’s my theory.” The existing proposed rule changes for the assault rule may not need to change.

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. He explained the addition of *(i) Misuse of authority by soliciting or engaging in sexual acts or favors of a sexual nature*. The subcommittee reviewed the definition and it was noted that there does not need to be a quid pro quo. The definition is broadly construed. It also does not apply to consensual relationships. The definition clarifies that a person in custody cannot provide consent. Executive Director Stewart provided additional information on “not quid pro quo.”

There was discussion regarding removing “color of authority.” It was agreed that “exercising police powers” would be appropriate.

There was brief discussion on broadening the definition of Sexual Harassment.

**MOTION**

Commissioner Castle moved to approve the amendment to OAR 265-010-0025 Moral Character as written and the amendment to OAR 265-005-0001 Definition as written. Commissioner Williams seconded the motion. The motion carried with 10 in favor by roll call vote. Three members were not in attendance. *(see Video time stamp 0:51:05)*

<b>Voting members</b>	<b>Motion 1 Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Not in Attendance</b>
Tarron Anderson				x
Sheriff Angela Brandenburg	x			
Chief George Burke				x
Phil Castle	x			
Dave Henslee				x
Anil Karia	x			
Michael Lopez	x			
Kelsie Davis McDaniel	x			
Steven Schuback	x			
Jeff Howes	x			
Chief Jake McKnight	x			
Benny Williams	x			
Kristen Winemiller	x			
	10	0	0	3

**3. Discussion Item – Report from the Subcommittee on Sexual Assault – Video time stamp 0:54:32**

Executive Director Stewart gave a brief summary of the proposed amendment to the rule. Commissioner Schuback clarified that the commission is not changing the rule, we are just adding a layer of sanction when it's a sex crime. Commissioner Karia asked if there were any members of the subcommittee that expressed any concerns with what is proposed. Executive Director Stewart said there were not. Chair Howes asked for confirmation that the Commission is tied to the definition of sex crime ORS 163A.005 because it is statutory, and we can't get around that with the way our enablement legislation is currently written. Commissioner McDaniel added additional clarification from her discussions in the subcommittee meeting. Commissioner Karia provided information/examples about possible routes to accountability.

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**

Commissioner Karia moved to adopt the amendments, as written on the screen, to OAR 265-010-0001 Sexual Assault. Commissioner Brandenburg seconded the motion. The motion carried with 10 in favor by roll call vote. Three members were not in attendance. (see Video time stamp 1:04:54)

<b>Voting members</b>	<b>Motion 1 Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Not in Attendance</b>
Tarron Anderson				x
Sheriff Angela Brandenburg	x			
Chief George Burke				x
Phil Castle	x			
Dave Henslee				x
Anil Karia	x			
Michael Lopez	x			
Kelsie Davis McDaniel	x			
Steven Schuback	x			
Jeff Howes	x			
Chief Jake McKnight	x			
Benny Williams	x			
Kristen Winemiller	x			
	10	0	0	3

### **Proposed Agenda Items – Video time stamp 1:06:15**

Discussion of possible future agenda items. Brief discussion of the rulemaking process.

Work on a priorities list. Executive Director Stewart has been working on a priorities list and asks the commissioners to provide any ideas. Commissioner Williams asked for a copy of the list the Executive Director is compiling.

Possible items to consider:

- Legislative fixes
- New rules
- Review duty to intervene
- Misuse of confidential information, aka LEDS violation

Executive Director Stewart mentioned possible disciplinary actions which for various reasons do not get to DPSST. Commissioner Castle noted that there are multiple avenues that would bring cases before DPSST and mentioned some examples.

### **Public Comment (see Video time stamp 1:19:10)**

Marc Poris and Charlie Michelle-Wesley commented.

### **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](https://www.lesc-oregon.gov/)**

- [OAR 265-010-0001 Sexual Assault \(Proposed amendments January 2026\) \(PDF\) »](#)
- [OAR 265-010-0025 Moral Character \(Proposed amendments December 2025\) »](#)
- [Draft concepts – Moral Character subcommittee review »](#)
- [Draft meeting minutes – November 6, 2025 »](#)

### **Next Meeting:**

**Date:** February 5, 2026

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

**Location:** Via ZoomGov