

Meeting Minutes

Commission on Statewide Law Enforcement Standards of Conduct and Discipline

Date: February 5, 2026

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, Phil Castle, Dave Henslee, Jeff Howes, Anil Karia, Chief Jake McKnight, Steven Schuback (arrived after roll call)

Staff in attendance: Lauri Stewart, Toni Kemple

Members not in attendance: Chief George Burke, Michael Lopez, Kelsie McDaniel, Benny Williams, Kristen Winemiller

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](#)

PRESENTATIONS:

Executive Director's Report – Presented by Lauri Stewart – *Video time stamp 0:00:57*

- Scheduling the final subcommittee meeting
- Planning time for the Notice of Permanent Rulemaking and finalizing the hearing dates
- Preparing a priorities list
- What comes next:
 - Final decisions on the proposed rule changes
 - Engage the rule process with public notice and hearings
 - The annual implementation survey is launched in June
 - Also in June, begin preparing the annual report that is due at the beginning of September
 - Updating of the Guide
 - Finalize and deliver implementation training for law enforcement officers

Executive Director Stewart introduced Scott Willadsen, DPSST Use of Force Coordinator. She also gave a brief overview of the proposed assault and use of force rules. (*see Video time stamp 00:04:30*)

MOTION

Executive Director Lauri Stewart asked for any objections, corrections or changes to the January 16, 2026, minutes as presented. Hearing none, Executive Director Stewart declared the minutes for January 16, 2026, approved by general consent. (see video time stamp 0:06:20)

1. Discussion Item – Report from the Subcommittee on Assault and Use of Force – Video time stamp 0:07:50

Executive Director Stewart continued the recap of the work done so far on the assault and use of force rules. Commissioner Karia thanked the Executive Director for the summary.

Commissioner Karia presented on behalf of the subcommittee. He was able to connect with Scott Willadsen to review the definition of excessive force. Scott did confirm that there are different constitutional standards that apply in certain circumstances. Those constitutional standards may not be wildly different, but they are sufficiently different so that we should allow room for those differences. Commissioner Karia provided some examples showing the differences.

Commissioner Karia did find his conversation with Scott “hugely eye-opening and mentally useful to hear from an expert who works for DPSST,” and he felt it would be helpful to give other members of the Commission the opportunity to hear from Scott.

Scott Willadsen talked about the difficulty of defining excessive force. Chair Howes pointed out that the Commission “is promulgating rules about what the result will be should a finding of excessive force be made. So, it’s still going to be incumbent upon individual agencies, or outside agencies, after an investigation, to make that determination. We’re not looking to define it for the purpose of limiting or seeming [to limit] the scope of the investigation, but to define it for its broad applicability in terms of potential standards and discipline.” Scott agreed that this made sense. In their training, DPSST uses Oregon Revised Standards and some Oregon Administrative Rules, and the Federal case law. Scott indicated that a lot of time is spent on the 9th Circuit list of jury instructions, which is more comprehensive than just the Graham v. Connor list. These are the questions that would be asked in an excessive force case. Chair Howes asked what changes should be considered if we go back to the proposed definition provided earlier. Scott had some concerns with the word *proportionate* and would swap that out with *reasonable*. Commissioner Henslee suggested starting with the definition that DPSST uses. Scott indicated that DPSST does not have a definition of excessive force but uses the language from Graham vs. Connor and the Oregon language that was rewritten in 2020. Commissioner Karia mentioned OAR 291-013-0010 which are the definitions for the Department of Corrections. They have a definition for excessive force which doesn’t necessarily help the officer on the road. Commissioner Karia suggested tying excessive force not to a rigid definition but saying something like “excessive force is defined as a violation of the employing agency’s policies regarding the application of constitutionally permissible force.” Commissioner Henslee and

Commissioner Brandenburg expressed agreement with the suggestion. Commissioner Karia suggested changing “*employing agency*” to “*law enforcement agency*.” Commissioner Schuback asked about a minimum standard or common baseline. Commissioner Karia responded that he feels the reference to constitutionally permissible force is a common baseline. Chair Howes asked if this group collectively has confidence that law enforcement agencies, big, small, and statewide have use of force policies that would be able to be applied in such a way that this definition would have force and be used appropriately. Commissioner Brandenburg commented that with one of the recent changes from the legislature, accreditation for agencies both big and small, she has confidence that the agencies do have these policies in place. They are required policies for accreditation. Commissioner Brandenburg sits on one of the Accreditation Boards. Scott posed some questions regarding constitutionally permissible. Commissioner Castle asked Scott to provide an example of when an officer would not have to give a warning. (*see Video time stamp 00:18:33*)

Chair Howes asked Commissioner Karia if he had anything more he would want to add. Commissioner Karia stated that he really wants to get it right. It is fair for the public, law enforcement agencies as organizations, and we want to get it right for all the officers out there just trying to do a good job. He encouraged seeking the input of other commissioners not at this meeting. Executive Director Stewart pointed out that as part of the rule process it will go out to every law enforcement agency in the state, to our required notification list and is available for public comment. They are invited to review the rules, make comments and suggestions, and attend public hearings. The Commission will vote on the final language after the benefit of the input from all these stakeholders. Commissioner Anderson said that the updated language made sense to him. Commissioner Castle also agreed with the direction of the language and suggested that we bring the Department of Corrections in for their expertise. It was agreed that the rules be shared with the Department of Corrections to allow them a voice. Executive Director Stewart asked Commissioner McKnight to share thoughts on how this would work for his department and tribal police. (*see Video time stamp 00:46:38*)

Chair Howes asked about a possible vote. Commissioner Karia felt that before calling a vote he would like the input from the Department of Corrections, get the final wording of the rules on paper, and he would also like to deal with the “fork in the road”. Discussion followed regarding setting an additional subcommittee meeting to get the work done. The next subcommittee meeting was set for February 26, 2026, at 11:00 a.m. All commissioners are invited to attend, and an invitation was also extended to Scott Willadsen. Chair Howes suggested that the Department of Corrections be included in the invitation to the subcommittee meeting.

Scott Willadsen answered questions about the “fork in the road” language and indicated that lawful law enforcement purposes would be appropriate.

Commissioner Brandenburg will not be able to join the subcommittee meeting, but indicated that it works for her and she is happy with “where this has landed.”

2. Discussion Item – Misuse of Confidential Information or Records and Failure to Intervene– Video time stamp 01:16:59

Executive Director Stewart provided a summary of the information provided by Commissioner Schuback. She also gave a brief overview of the language on failure to intervene and failure to report. It was agreed that this would be discussed at the next meeting.

The proposed definition for non-disciplinary corrective actions was presented. At a prior meeting the commissioners had discussed adding counseling. This will be added to the subcommittee for review since it applies to the rules under discussion. Sheriff Brandenburg has a question regarding including mediation. Commissioner Schuback suggested finding a different term for mediation and leaving out the word *verbal* in the term *verbal warning* and just use *warning*. Commissioner Karia suggested the use of *may include but is not limited to*. Commissioner Schuback suggested that *law enforcement agency* be changed to *disciplinary body* and change *formal discipline* to *disciplinary action* to align with the definition in the OAR.

Priorities List – Video time stamp 01:32:30

Executive Director Stewart talked about looking at the next steps including updating the priority list and updating the guide. Commissioner Schuback suggested that they look at the 2024 Guide for the most current information and he is willing to help work on the edits.

Commissioner Schuback asked about the status of Moral Character and sexual favors. This rule was voted on and approved. It is now ready to enter the rulemaking process.

Chair Howe thanked Scott Willadsen for his presence at this meeting. He also appreciates everyone's participation in the meeting because the commissioners talk about tough things and do it professionally with the larger objectives in mind.

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

- [LESC Possible Priorities \(PDF\) »](#)
- [Addendum to Public Comment Report \(PDF\) »](#)
- [Draft Meeting Minutes – January 16, 2026 \(PDF\) »](#)

Next Meeting:

Date: March 5, 2026

Time: 3:00 pm to 5:00 pm

Location: Via ZoomGov