

LESC Possible Priorities for New Projects

| Guide Updates and Procedure Development | | |
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| Rank | Project | Notes |
| 1 | Align Guide to rule changes | Incorporate Rule Language changes and new definitions once adopted (for misuse of authority, intentional, knowing, reckless, excessive) |
| | Sexual Assault guidance | Add note that consent cannot be a defense where there is an imbalance of power or where one person is in custody. |
| | Assault v UoF | Clarify distinction between Assault and Use of Force (e.g. that one might fall under scope of allowable police powers for legitimate law enforcement purposes. I.e., that assault is use of force that does not have any possible legal justification. |
| | Review Guide for additional updates | Review Guide for potential updates not directly connected to proposed rule changes, to be added to E.D.'s list of updates ranging from housekeeping to substantive. |
| | Develop additional procedural guidance | Suggestion to flesh out the guide to include steps other than just imposition of discipline, like begin to create processes and set expectations for fair, impartial taking and tracking of complaints, investigative standards, due process, fair, unbiased determinations free from conflict of interest, offer technical assistance, education, clarify role expectations. |
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| Possible New Rules | | |
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| | Misuse of Confidential Information | Possible language has been drafted and included in 2/5/26 meeting materials. |
| | Misuse of Authority | Possible separate Misuse of Authority rule (to capture different kinds and those that may not rise to the level of Moral Character violation. Could include Misuse of Confidential Information.) |
| | Failure to Intervene | Possible language has been drafted (Per ORS 181A.681 on duty to intervene.) |
| | Failure to Report | |
| | Failure to Act/dereliction of duty | |
| | Untruthfulness | Defining untruthfulness differently, creating a separate rule for it, addressing Reckless Disregard for Truth, or untruthfulness not relevant to the duties of the job classification. DPSST definition adds "reckless" to intentional. |

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| | | Our rules don't cover those. Agencies say without ability to mitigate, current rule may be too draconian. |
| | Non-disciplinary Corrective Action | Define and include Non-disciplinary Corrective Action as option for mitigation for certain offenses. |
| | Sexual Harassment | Craft new or add additional definitions to more readily cover sexual harassment outside the BOLI workplace context (e.g. to cover cases involving the public, but that falls short of the level for which mandatory termination is appropriate, or doesn't fit the definition in the new Moral Character rule language, of soliciting or engaging sexual conduct. |
| | Hate Group membership/activity/social media, etc. | While hate crimes are covered by Moral Character, feedback has noted that membership in hate groups, acts or social media/public comments that target protected groups (but do not constitute a hate crime) are not covered. See also below. Find statutory reference. |
| | Biased policing or Disparate treatment (beyond our current profiling rule) | LESC could include more types of discrimination than just profiling, for example something like PPB's "Intentional Misuse of Police Authority based on Protected Class Status," defined as something like "a pattern of conduct or a single egregious act that evidences knowing and intentional discrimination based on the perception of a person's protected class, that would lead an objectively reasonable person to conclude that the public safety professional cannot perform the duties of office in a fair and impartial manner." |
| | Treatment/accommodation of people with disabilities | This might be considered as an extension of the previous. |
| | Abuse of Authority | Abuse of Authority (separate from Moral Character, for financial gain) could be its own rule, including things like obtaining false confessions, making false arrests, creating or using falsified evidence or testimony, depriving another person of their rights, etc. |
| | Harassment (ORS 166.065) | |
| | Retaliation | |
| | Off-duty use of controlled substances | |
| | Off-duty DUI | |
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| Proposed Legislative Requests | | |
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| | Sexual Assault Definition | Let us adopt a new definition of sexual assault. |

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| | <p>Changes in LESC composition</p> | <ul style="list-style-type: none"> • Adding additional representation or changing composition of the Commission. Proposed additions include adding seats for 2 civil rights attorneys, 1 with litigation experience representing victims of law enforcement misconduct, the other for an advocacy organization focused on constitutional/civil rights; Corrections; Probation/Parole; additional community seats such as a broader range of communities with a history of challenging relations with police, including immigrants, LGBTQ, people with disabilities, and people with lived experience of police misconduct. • Recommendation to add two members, one who has been directly impacted by police violence or misconduct, and one with experience with civilian oversight of law enforcement, positions that would replace one chief law enforcement officer seat and one police labor organization seat. |
| | <p>Other potential rule changes might suggest additional requests</p> | |
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| <p>Problem Solving/ Pain Point Analysis</p> | | |
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| | <p>Ensuring Compliance</p> | <p>Scappoose and 2022 Portland cases, among others, raise issues re non-compliance, situations that might arise, how we should respond, and what would be needed to ensure/enforce compliance.</p> |
| | <p>What interferes with consistent/uniform standards of conduct and discipline?</p> | <p>Closer examination of issues that interfere with LESC goals of consistent and uniform standards of conduct and discipline for officers across the state, where the process breaks down.</p> |
| | <p>Application of mitigating/aggravating factors</p> | <p>Possible issue with applying mitigating/aggravating factors of prior history of misconduct. Even though all disciplinary records must be kept for 10 years beyond separation, that could in theory be in archives only, not in the active personnel file, so those reviewing active files might not know additional history exists in archives. Some agencies are only required or permitted to keep a record of findings for 2-5 years in the active personnel file,? That isn't very</p> |

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| | | long if one is looking for patterns of problem behavior. Even for union workplaces, the time is usually 5 years. |
| | Review Disciplinary Process steps for problem areas. | (See appended recent suggestions and notes for specific suggestions or issues) |

| Miscellaneous | | |
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| | Vision/Mission Statement | Do we want develop a draft vision and/or mission statement, to clarify to our stakeholders and the public what we're about, what we are trying to achieve, our values or vision for the Commission? Just to have something for presentations, I took this language from ORS 243.808(c) (on arbitration): "The LESC serves the public interest in maintaining community trust, enforcing a higher standard of conduct for law enforcement officers, and ensuring a consistent, accountable, fair and just disciplinary process." |
| | Improving Rule Implementation tracking and reporting processes | Per statute, "The commission shall include in reports submitted after 9/1/22 information regarding the progress of each LE agency and civilian/community oversight board, agency or review body, towards implementing and applying the uniform standards and the commission's recommendations on updates to the standards, as are considered necessary." While we have a tracker, only about half of agencies provide data in any given year, and we lack a robust database for conduct and discipline. |
| | Training for those applying the standards | Develop training on rules and application and potentially on using them. Use MS-FB presentation as starting point. |
| | Educational efforts | The only way to move the dial on progress toward adopting and implementing is to actively promote, educate and offer technical assistance. Need to develop training materials, create tracker and start tracking regular outreach/educational efforts |