

OAR 265-010-0015

Division 10

Discipline Standards for Misconduct

265-010-0015

Unjustified or Excessive Use of Physical or Deadly Force

(1) A disciplining body shall impose upon a law enforcement officer disciplinary action of termination upon a finding that the officer engaged in misconduct constituting unjustified or excessive use of deadly physical force by the officer. ~~[that results in death or serious physical injury.]~~ **For the purposes of this rule, the use of “deadly physical force” must be intentional.**

(2) A disciplining body shall impose upon a law enforcement officer disciplinary action within the following disciplinary range upon a finding that the officer engaged in misconduct constituting unjustified or excessive use of physical force by the officer that results in death or serious physical injury:

(a) The presumptive sanction shall be termination.

(b) The mitigated sanction shall be suspension without pay, salary reduction, or demotion. ~~[-or a written reprimand.]~~

(3) A disciplining body shall impose upon a law enforcement officer disciplinary action within the following disciplinary range upon a finding that the officer engaged in misconduct constituting unjustified or excessive use of physical force by the officer that results in physical injury:

(a) The presumptive sanction shall be suspension without pay, salary reduction, or demotion.

(b) The mitigated sanction shall be written reprimand.

(c) The aggravated sanction shall be termination

NOTE: Matter in **boldfaced** type in an amended section is new; matter [~~italic and bracketed~~] is existing law to be omitted. New sections are **boldfaced** type.

(4) A disciplining body shall impose upon a law enforcement officer disciplinary action within the following disciplinary range upon a finding that the officer engaged in misconduct constituting unjustified or excessive use of physical force by the officer that results in no injury:

(a) The presumptive sanction shall be suspension without pay or salary reduction.

(b) The mitigated sanction shall be written reprimand or non-disciplinary corrective action.

(c) The aggravated sanction shall be demotion or termination.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [~~*italic and bracketed*~~] is existing law to be omitted. New sections are **boldfaced** type.