

## Meeting Minutes

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

Date: March 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, Chief George Burke, Phil Castle, Dave Henslee, Michael Lopez, Jeff Howes, Benny Williams, Steven Schuback

Staff in attendance: Lauri Stewart, Toni Kemple

Members not in attendance: Sheriff Angela Brandenburg, Anil Karia, Kelsie McDaniel, Chief Jake McKnight, 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](#)**

#### MOTION

Executive Director Lauri Stewart asked for any objections, corrections or changes to the February 5, 2026, minutes as presented. Hearing none, Executive Director Stewart declared the minutes for February 5, 2026, approved by general consent. (*see video stamp 0:01:36*)

#### PRESENTATIONS:

##### **Executive Director's Report – Presented by Lauri Stewart – *Video time stamp 0:01:58***

- Wrapping up the last of the work groups
- Planning time for the Notice of Permanent Rulemaking and finalizing the hearing dates
- Gathering materials to support the priorities list
- Updating of the Guide
- The annual implementation survey is coming up
- Preparing the annual report that is due at the beginning of September
- Finalizing and delivering implementation training for law enforcement officers

Executive Director Stewart summarized the agenda for today.

- 1. Discussion Item – Report from the Use of Force Subcommittee – *Video time stamp 0:03:13***

Executive Director Stewart continued the recap of the work done so far on the assault and use of force rules. The group unanimously agreed that the rules be presented to the full Commission for review and possible vote. Executive Director Stewart went over the changes to the proposed rule, changes to the definition of “intentional” and the addition of definitions for “knowing,” “reckless” and “non-disciplinary corrective action.” (*see video time stamp 0:06:49*)

Commissioner Schuback discussed the concerns regarding accidental discharge, how these rules would apply and if there was a loophole. Commissioner Burke added additional information saying that there was discussion in committee about “negligence” and “criminal negligence” and how negligent discharges might be handled. Commissioner Schuback pointed out there was no level of intent under section (4) and asked if a low level of negligence would fall under this section. Executive Director Stewart pointed out that it could be handled within this section considering the mitigated sanctions included written reprimand or non-disciplinary corrective action. (*see video time stamp 0:08:32*)

The Commission decided to review all the rules and then proceed to a possible vote for each rule individually.

**2. Discussion Item – Report from the Subcommittee on Assault– *Video time stamp 0:12:35***

Executive Director Stewart provided a recap of the assault rule. The subcommittee wanted to draw that bright line to say that if it is intentional or knowing assault without justification, it should be termination. The amendment also added a second category regarding an act of reckless assault without justification where the presumptive sanction would still be termination but there might be some mitigation possible. The critical piece on assault which took some time for the committees to work out, was the possible overlap with use of force, so the subcommittees were combined to work through the issues. One of the main issues for both rules were the definitions.

**3. Discussion Item – Definitions - *Video time stamp 0:14:54***

Executive Director Stewart reviewed the proposed definitions for “excessive force”, “intentionally” or “with intent,” “knowingly” or “with knowledge,” “recklessly,” and “non-disciplinary corrective actions.”

**MOTION**

Commissioner Burke moved to approve the amended motion to recommend that we approve each one of the recommendations, recommendation by recommendation, starting with Assault and moving through alphabetically. Commissioner Castle seconded the motion.

- 1) to approve the amendment to OAR 265-010-0010 Assault as amended. The motion carried with 8 in favor by roll call vote. Five members were not in attendance. (*see [Video time stamp 0:23:12](#)*)

<b>Voting members</b>	<b>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			
Jake McKnight				x
Benny Williams	x			
Kristen Winemiller				x
<b>Total</b>	<b>8</b>	<b>0</b>	<b>0</b>	

- 2) to approve the amendment of OAR 265-005-0001 Definitions as amended. The motion carried with 8 in favor by roll call vote. Five members were not in attendance. (see Video time stamp 0:24:14)

<b>Voting members</b>	<b>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			
Jake McKnight				x
Benny Williams	x			
Kristen Winemiller				x
<b>Total</b>	<b>8</b>	<b>0</b>	<b>0</b>	

- 3) to approve the amendment of OAR 265-005-0015 Unjustified or Excessive Use of Physical or Deadly Force as amended. The motion carried with 8 in favor by roll call vote. Five members were not in attendance. (see Video time stamp 0:25:44)

Voting members	Yes	No	Abstain	Not in Attendance
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			
Jake McKnight				x
Benny Williams	x			
Kristen Winemiller				x
<b>Total</b>	<b>8</b>	<b>0</b>	<b>0</b>	

Executive Director Stewart thanked everyone for all their hard work, time and effort put into this work, including the careful and deliberate thought that went into the review of these rules. Chair Howes also thanked Lauri and Toni for their work.

**4. Discussion Item** – Potential Language Update to the Guide - Video time stamp 00:27:11

Executive Director Stewart explained the potential addition to the Guide which would provide guidance to agencies when dealing with the Assault and Use of Force rules. Commissioner Schuback shared his thoughts about the language and suggested that the highlighted section be removed. Commissioner Burke and Chair Howes liked Commissioner Schuback’s explanation and suggestion.

**5. Discussion Item** – Misuse of Confidential Information– Video time stamp 00:33:27

Commissioner Schuback presented the proposal. There are many layers of confidential information in a law enforcement agency, and this is a broad brushstroke. One of the most common examples is the misuse of database information, such as LEDS. There are other types of internal databases, but the primary example is a LEDS violation. A LEDS violation can be construed as official misconduct, in the right circumstances, and it can be very serious. At the same time there can be revealing of information that is of a low level and so, this rule has a broad range of sanctions. The concept of this rule is to identify that you, as an officer, are

misusing information that you should not be using. You are not using it for a law enforcement purposes or for the purposes of your job. Commissioner Schuback provided some examples and then asked Chair Howes and Commissioner Castle for comment. Chair Howes and Commissioner Castle both felt it was clear and understood the need for it. Commissioner Schuback also asked for input from the law enforcement members. Commissioner Lopez agreed that the LEDS violation is clear, but he is concerned with accidental releases of information and provided an example. Specifically, he asked about “contrary to the rule of law” as used in the proposed rule. Executive Director Stewart pointed out that mitigation to counseling is included. Discussion continued on the sanctions with the suggestion that the presumptive sanction be suspension. Commissioner Castle noted that LEDS takes it very seriously. LEDS violations not only have an impact on the individual who has the violation, but it also has an especially high impact on the organization. Commissioner Lopez suggested “written reprimand” be the presumptive sanction. Chair Howes asked about the wording “other similarly related conduct” and suggested removing either similarly or related. It was agreed to remove “similarly” and keep “related.” There was continued discussion on the sanctions. Commissioner Schuback and Commissioner Burke agreed that suspension would be the presumptive sanction. Chair Howes asked if Commissioner Burke agreed with Commissioner Schuback’s proposal that the presumption is suspension leaving a wide-open ability to go up or down from that. Commissioner Burke confirmed. Commissioner Lopez had some concerns about “suspension” being the starting point. Commissioner Burke felt that “suspension” as an economic sanction has a wide variety of options within it. He expressed some concerns about starting at a “written reprimand,” noting that aggravating it is going to take a lot more explanation and a lot more of the aggravating factors to get to a termination. Commissioner Castle confirmed Commissioner Burke’s point about the risk. The loss of access to this information is real and LEDS is looking for violations quite seriously. He also spoke to Commissioner Lopez’s point regarding minor violations that were not to the level that has been discussed. Commissioner Lopez provided another example. Commissioner Burke and Commissioner Schuback responded to the example. Commissioner Schuback shared the reasons he is leaning toward “suspension” as the presumptive sanction. Commissioner Lopez brought up the amount of time this database is used.

#### **MOTION**

Commissioner Burke moved to table this matter for a later discussion. Commissioner Lopez seconded the motion. There were no objections.

Commissioner Castle requested additional information on the risk to the organization when a LEDS violation occurs. It was suggested to bring in someone to address this question.

#### **6. Discussion Item – Failure to Intervene – Video time stamp 001:09:32**

It was agreed to table this discussion until the next meeting.

**Public Comment** (see Video time stamp 001:15:10)

Barbara asked briefly about the Commission having a possible discussion about process in the future.

**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](#)**

- [OAR 265-010-0010 Assault \(proposed amendments\) \(PDF\) »](#)
- [OAR 265-005-0001 Definitions \(proposed amendments\) \(PDF\) »](#)
- [OAR 265-010-0015 Use of Force \(proposed amendments\) \(PDF\) »](#)
- [Fork in the road assault v. use of force Karia 2-9-26 \(PDF\) »](#)
- [Proposed new rule Misuse of Confidential Information or Records \(PDF\) »](#)
- [Draft new rule Failure to Intervene \(PDF\) »](#)

**Next Meeting:**

**Date:** April 2, 2026

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

**Location:** Via **ZoomGov**