

Meeting Minutes

Commission on Statewide Law Enforcement Standards of Conduct and Discipline

Date: April 2, 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, Anil Karia, Michael Lopez, Kelsie McDaniel, Jeff Howes, Chief Jake McKnight, Kristen Winemiller, Steven Schuback (arrived after roll call)

Staff in attendance: Lauri Stewart, Toni Kemple

Members not in attendance: Sheriff Angela Brandenburg, Dave Henslee, Benny Williams,

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 March 5, 2026, minutes as presented. Hearing none, Executive Director Stewart declared the minutes for March 5, 2026, approved by general consent. (*see video stamp 0:01:20*)

PRESENTATIONS:

Executive Director's Report – Presented by Lauri Stewart – *Video time stamp 0:01:47*

- Following up on proposed rule changes and finalizing the hearing dates
- Drafting the presentation for the rule hearings
- Updating of the Guide
- The annual implementation survey is coming up
- Drafting new rules and preparing place holder language for the commission to consider and start discussions

Executive Director Stewart summarized her discussion with the LEDS experts. They did not have concerns with the proposed rule language and found it might be helpful to underscore the

importance of information security. It may be possible to have them at a future meeting to answer questions.

1. Discussion Item – Misuse of Confidential Information – Video time stamp 0:08:14

Executive Director Stewart shared the working draft with the proposed rule on misuse of confidential information. Commissioner Karia shared his thoughts on the proposed rule. In his prepared comments, he included a definition of “law enforcement databases”. Based on Executive Director Stewart’s summary of her conversation with the LEDS expert and his reference to “intentional v. accidental”, he felt this was something worth flagging for continued discussion. Commissioner Karia provided his perspective on the presumptive versus aggravated and mitigated sanctions, including some examples of conduct. Commissioner Lopez agreed that that type of activity is commonplace and expanded with additional examples. He felt that the earlier comments regarding “intentional v. accidental” were valuable. Based on the conversation today, Commissioner Burke said he has moved a little bit away from what the presumptive sanctions should be. He suggested splitting things out between intentional and unintended (or unintentional, or accidental). He is not sure he can move away from economic sanctions on those intentional violations, but he is willing to listen. Executive Director Stewart mentioned that it was brought up in an earlier meeting that it is hard to aggravate up multiple levels. Commissioner Burke indicated that it is not impossible, but the aggravating factors would have to be present. Commissioner McKnight commented on his experiences dealing with LEDS violations. He also spoke about the body worn camera systems and access to those files. Executive Director Stewart noted that one of the things the Commission would potentially need to look at is how the rule gets applied in the current process and whether it supplies sufficient guidance for agencies on how to apply it. Commissioner Schuback mentioned a case where a sheriff’s office ended up using a LEDS representative to pull all the information needed for that case. He has had good experience with LEDS and investigators to get the information needed to proceed with proving and sustaining misconduct at that level. As a reminder Commissioner Karia noted that the established aggravating factors include intentionality. He also noted that from LEDS’s standpoint, when they do their review, they are not necessarily looking for employment stuff. They are looking for systems compliance because they are the ones who grant access rights. Commissioner Karia appreciated Commissioner McKnight’s discussion about body worn camera systems. Commissioner Karia noted that not all agencies have default restrictive access for videos and gave some examples. Commissioner McKnight gave an additional example of a possible LEDS violation and Commissioner Lopez asked if this example would fall under intentional or accidental. Commissioner Burke asked if it was a LEDS violation to share the name of a person and nothing else. Discussion followed and it was suggested that a LEDS expert would be helpful. Commissioner Karia pointed out the section in the draft that came directly from the LEDS rule.

Executive Director Stewart brought up the scope of information and records and talked about what that might possibly include. Commissioner Schuback talked about proprietary

databases and body worn camera systems. Executive Director pointed to the draft definition of “law enforcement databases.” Commissioner Karia provided additional examples of databases beyond LEDS.

It was agreed that draft language would be presented at the next meeting.

2. Discussion Item – Failure to Intervene and Failure to Report – Video time stamp 0:44:55

Executive Director Stewart provided a brief summary of failure to intervene and failure to report. Commissioner Schuback noted that it’s one thing about “getting into the dogpile of the mess of people”, but another form of the duty to intervene would be a verbal command like “stop that” even though it might be unsafe to get into the dogpile.

Executive Director Stewart shared draft language as the starting point for development for the rule and the statute ORS 181A.681.

Commissioner Karia commented about the matrix and mentioned that the language in the box does not match the statutory language, and he has some concerns about tying it to an injury state. He also noted that the statute defines law enforcement agencies as Oregon agencies, however, “any agency” could mean out of state or federal forces. He also had some questions/concerns about the presumptive sanction being termination. For failure to report, his comments repeat themselves with the added piece that we should not lose the language change to “witnesses” and the reference to the DPSST standards. He also pointed out that section (5) of the statute has effectively sort of an anti-discrimination/anti-retaliation clause.

Executive Director Stewart reminded everyone that this language is intended to be a discussion starter.

Commissioner Schuback appreciated Commissioner Karia’s point regarding section (3) of the statute. It does not describe the jurisdiction of that other officer, and he asked if DOJ could look at the legislative history of the statute to determine what the legislators were looking at when they were referring to “other officers”. Commissioner Karia shared where the definition for law enforcement officer was in ORS 181A.355. Discussion followed.

There was a question about reporting to DPSST and Commissioner Castle responded. He has not seen a case involving failure to intervene since he has been with DPSS, and it does need to meet certain conditions. DPSST does train this and does look at it from the use of force standpoint. Commissioner Karia asked if there is any certification impact being explored by DPSST.

Commissioner Karia suggested a change to the language replacing “as defined in 181A.681, constituting failure to intervene and report” to “constituting a violation of 181A.681(2) duty to intervene” or change it to “misconduct by failing to intervene, in violation of 181A.681(2). For failure to report it would be ORS 181A.681(3). There was some discussion regarding the Commission definitions and the statute definitions and how to clarify the rule. It was suggested

to remove the reference to physical injury and add misconduct, as identified in ORS161A.681(1). Commissioner Castle mentioned HB 4205 under section (2). Discussion followed.

Next Meeting:

Commissioner Schuback and Chair Howes agreed to work on failure to intervene rule.

Commissioner Karia agreed to work on the misuse of confidential information.

Consider coming up with definitions as appropriate for these rules.

Public Comment (see Video time stamp 001:39:25)

Marc Poris thanked Executive Director Stewart for doing the research on accidental discharge data. Also asked that Barbara Kenny's letter be shared with the commissioners.

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](#)

- [Misuse of Confidential Information \(PDF\) »](#)
- [Failure to Intervene and Report \(PDF\) »](#)
- [Misuse of Confidential Information – Commissioner Karia notes \(PDF\) »](#)
- [Charlie Michelle-Wesley Email \(Redacted\) \(PDF\) »](#)

Next Meeting:

Date: May 7, 2026

Time: 3:00 pm to 5:00 pm

Location: Via ZoomGov