Meeting Minutes

Commission on Statewide Law Enforcement Standards of Conduct and Discipline

Date: May 7, 2026

Time: 3:00 p.m. to 5:00 p.m.

Location: Virtual via Zoom

Call to Order, Roll Call

Attendees

Members in attendance: Sheriff Angela Brandenburg, Chief George Burke, Phil Castle, Dave Henslee, Anil Karia, Kelsie McDaniel, Jeff Howes, Steven Schuback (arrived after roll call)

Staff in attendance: Lauri Stewart, Toni Kemple

Members not in attendance: Tarron Anderson, Michael Lopez, Benny Williams, 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 April 2, 2026, minutes as presented. Hearing none, Executive Director Stewart declared the minutes for April 2, 2026, approved by general consent. (*see video stamp 0:01:09*)

PRESENTATIONS:

Executive Director's Report – Presented by Lauri Stewart – *Video time stamp 0:01:43*

- Finalizing the proposed rule language and the Notice of Proposed Rulemaking, updating the website and getting everything sent out.
- Updating of the Guide
- Reviewing surveys to identify non-responders in order to target outreach and identify/address issues that are interfering with compliance
- State LEDS coordinator was not available for this month's meeting
- Tracking down guidance around misuse of authority and misuse of confidential information.

Executive Director Stewart summarized the agenda for today.

1. **Discussion Item –** Misuse of Confidential Information – *Video time stamp 0:04:00*

Commission Karia provided a summary of the work done so far on the misuse of confidential information rule. Using Commissioner Schuback's draft, comments from Commissioner Karia and discussion from the previous Commission meetings, Commissioner Karia, Executive Director Lauri Stewart, and Chair Jeff Howes, drafted proposed rule language for the Commission to consider. Commissioner Karia explained the process. There were three options for the sanctions. Commissioner Karia noted that "because the rule itself doesn't itself talk about intentionality, we have other rules that do, and because the rule itself does not talk about degrees of harm, we have other rules that do." The question to consider is are they comfortable leaving this out, in which case it may be worth having a conversation about how heavy-handed the presumptive sanction should be or is there a need to parse this out or add intentionality or harm considerations to the actual text of the rule. Executive Director noted that the CJIS Security Policy does include a requirement for the assessment of harm.

Commissioner Castle felt it would be difficult to include in the rule itself all the levels and all the possibilities, and he is personally drawn to option 2 because of the range of aspects and intentionality that it does cover. Commissioner Brandenburg felt it was good work. As an employer, it covers everything needed with the range of databases. She indicated that she also preferred option 2 for the sanctions. Commission Burke complimented Commissioner Karia on the language and agreed with option 2 for the sanctions.

MOTION

Commissioner Karia moved to adopt the rule as presented on the screen with option 2 as the range of discipline. Commissioner Castle seconded the motion. The motion carried with 8 in favor by roll call vote. Five members were not in attendance. *(see Video time stamp 0:23:12)*

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				(arrived after the vote)
Jeff Howes	x			

Voting members	Yes	No	Abstain	Not in Attendance
Jake McKnight				x
Benny Williams				x
Kristen Winemiller				x
Total	7	0	0	6

2. **Discussion Item** – Draft Language for Failure to Intervene and Failure to Report - *Video time stamp 00:20:10*

Commissioner Karia summarized the progress drafting the rule. The statute is ORS 181A.681 and within that statute it folds in both duties to intervene and duties to report. It became clear early on that there needed to be two separate rules. Subsection (2) is the template for failure to intervene, and subsection (3) is for failure to report. Commissioner Karia reviewed these sections. The statute defines misconduct and LESC rules have a definition of misconduct. It was suggested to use "engaged in misconduct by failing to intervene, in violation of 181A.681 (2)" in the rule language. The terms provided in ORS 181A.681(1) would be given their ordinary meaning, but a suggestion was made to check legislative history for further guidance on definitions.

The failure to report rule would follow the same structure. Commissioner Karia noted that when the legislature enacted this statute and it first came out, when it came to the duty to report and the reference to the various moral fitness standards, it referenced DPSST standards, a lot of people didn't know what that meant. Commissioner Karia referenced the email that was part of the meeting materials regarding the Duty to Intervene and asked Commissioner Castle if this document still applied. Commissioner Castle responded to the question. Commissioner Karia discussed the three DPSST touchpoints, focused on the touchpoint in subsection (3), and referenced the highlighted section in the 2020 email. Since the email was published in 2020 and predates Commissioner Castle, he will take this back to his team for review and report back to the Commission.

Commissioner Schuback acknowledged that "we've been given a statute, and we have to work with it." He discussed notice and training in a disciplinary case and stated that "if we ever impose a discipline, employees have to be on reasonable notice of what the rule was other than common sense." Since the statute points directly to DPSST then it makes sense that DPSST would give guidance on what the rules were.

Executive Director Stewart noted that it appears that more discussion and research is needed for this rule. Chair Howes is working with someone on legislative history for guidance on definitions and with DOJ General Counsel to review the question about what the Commission can do regarding definitions that are in a different law or rule. Commissioner Karia

referenced the Portland Police Bureau's policy enacting this statute and said he will share a copy of the policy.

Commissioner Castle will do research on the history including if the DPSST Board voted on the standards. For the record, Commissioner Castle wants to confirm whether this was voted on by the Board and if not, he feels it would need to be run through the Board.

Commissioner Karia asked if the legislative history research would include looking at legislative history regarding what does this category, violation of moral fitness, mean. Commissioner Karia suggested that a look at the legislative history should come before Commissioner Castle undertakes a DPSST Board action. Chair Howes confirmed that the question is part of the legislative history request. Additionally, Chair Howes said that "without regard to what the legislative history ultimately reveals, we are going to want to make sure that what we do does not conflict with anything that DPSST has said or is doing." Commissioner Schuback agreed that Chair Howes made a valid point. At the time the legislature looked at this, they were looking at current practice but may not have established that current practice was limited to evolution of DPSST standards because they point to the statute and not necessarily a laundry list. So, it is possible that DPSST has updated or changed their viewpoint on the different factors and the statutory intent was to follow that evolution. Commissioner Karia asked if anyone is aware of any duty to intervene cases and if Commissioner Castle is aware of any failure to report a violation of DPSST fitness standards in certification cases. Commissioner Castle, Commissioner Brandenburg, and Commissioner Burke said they have not seen any. Commissioner Castle will look into it. Commissioner Schuback asked Commissioner Brandenburg and Commissioner Burke if they see the opposite where people are reporting and that's not violating the rule. Commissioners Brandenburg and Burke agreed that they are seeing people reporting. Additionally, Commissioner Brandenburg noted that there is more work to be done and she is "happy that we are having this conversation."

The Commission will continue to work on this rule.

Proposed Agenda Items - *Video time stamp 01:07:30*

Executive Director Stewart provided a brief update on the public hearings for the amended rules and continued with a discussion of possible agenda items and items for review or research for the next meeting.

- Begin the process of noticing the Misuse of Confidential Information rule
- Continuing work on the duty to intervene under ORS 181A.681 and the duty to report
- Recommendations for legislation
- The list of priorities can be redistributed, and the Executive Director welcomes any additional suggestions from Commission members
- Preparation of the annual report to meet the September deadline
- Survey will be going out

Public Comment *(see Video time stamp 001:13:52)*

Charlie Michelle-Wesley provided comments to the Commission.

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

- CJIS Security Policy »
- Misuse of Confidential Information 041026 draft »
- DPSST Duty to Intervene »
- Fail to Intervene – Subcommittee draft 4-29-26 »
- Kenny Letter to LESC Commissioners 3-25-26 »
- Kenny Letter to LESC Commissioners 5-5-26 »

Next Meeting:

Date: June 4, 2026
Time: 1:00 pm to 3:00 pm
Location: Via **ZoomGov**