

Meeting Minutes

Commission on Statewide Law Enforcement Standards of Conduct and Discipline

Date: August 6, 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 (arrived after roll call), Jeff Howes, Steven Schuback, Jeff Howes, Benny Williams, Kristen Winemiller

Staff in attendance: Lauri Stewart, Toni Kemple

Members not in attendance: Dave Henslee, Chief Jake McKnight

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 May 7, 2026, minutes as presented. Hearing none, Executive Director Stewart declared the minutes for May 7, 2026, approved by general consent. (*see video stamp 0:01:37*)

PRESENTATIONS:

Executive Director's Report – Presented by Lauri Stewart – Video time stamp 0:02:04

- Public hearings for the proposed rule amendments were held. A summary report of the hearings is available online. [LESC 2026-08-06 Report on Public Hearings Comments.pdf](#)
- Beginning the process of noticing and setting up hearings for the newest rule approved by the Commission.
- Working on recruitment for new vacancies. Dave Henslee will not continue as a member since he is no longer a part of the category he was selected to represent. The commission will be looking for a replacement. Although Commissioner Henslee was not available for the meeting today, Executive Director Stewart wanted to acknowledge publicly in this group how much the Commission has appreciated his participation and to thank him. Sheriff Angela Brandenburg has retired, and her

position will also need to be replaced. Although Commissioner Brandenburg was not available for this meeting, Executive Director Stewart wanted to thank her for her involvement with the Commission for many years.

- Working on the annual report and the executive summary.
- Working on updates to the guide to align with the recently adopted rules.
- Finishing up the annual survey.

Executive Director Stewart reported on the public hearings that were held for the proposed rules. Only one public comment was received. [LESC 2026-08-06 Report on Public Hearings Comments.pdf](#)

1. Discussion Item – Public Comment on Proposed Rules – Video time stamp 0:09:39

Commissioner Schuback spoke to concerns raised by some of the agencies and cities he works with regarding the definition of excessive force. Specifically, the use of “constitutionally permissible force.” He suggested a possible change to “lawfully permissible force” or something along those lines. Commissioner Karia recalled that “as we were writing the rule, we realized that excessive force was undefined.” The intention was to come up with a definition that applied to all categories of the law enforcement officer that are covered by these rules. The Graham standard is the appropriate use of force baseline standard that every law has to comply with whether state or federal law, and every case has to comply with, because that is the United States Constitutional baseline. Derivatively, every policy must comply with that baseline. But Graham applies only to traditional police officers. Both correctional officers and parole and probation officers have different legal constitutional standards. This was confirmed with DPSST during a presentation by a DPSST trainer. To the degree that this definition of excessive force from our use of force rule matrix must apply to different subclasses of employees who may be subject to different training, procedures, policies and constitutional baselines, we are trying to give, through these rules, some consistency across the board, the group landed on the phrase “constitutionally permissible force.” Commissioner Karia provided an example of how this would work. Commissioner Schuback found this helpful, but based on the concerns voiced by those he works with, he stated that it again creates this question – “Are you looking at the whole policy or just constitutionally permissible force?” Commissioner Karia noted that OAR 265-010-0015 is addressing excessive force and unjustified use of force. Justification is defined, but excessive force was not defined. Commissioner Karia summarized the subcommittee conversations concerning the definitions of justification and excessive force. (see Video time stamp 0:18:29)

Commissioner Schuback felt that Commissioner Karia made a good point. He then noted that in this rule there are two opportunities for management to look at the use of force and whether it was unjustified and/or whether it was excessive. With that explanation, he felt comfortable saying “there is really two parts to force.” Commissioner Karia agreed with the concept that any application of force has to comply with all legal standards and all policy and agency

standards. He noted that the definition of justification points to Oregon statute. Those Oregon statutes by definition have to comply with constitutional standards. Commissioner Karia agreed that the rule says justified or excessive and added “I know for example, in Oregon law to be justified there are additional considerations within Oregon statute beyond constitutional considerations.” He provided an example. He also referenced the presentation by the DPSST expert. *(see Video time stamp 0:25:49)*

Commissioner Schuback asked for comment by Chair Howes or Commissioner Castle. Chair Howes thanked Commissioner Karia for his excellent memory of the discussions. He felt that Commissioner Karia’s description was completely apt, and he had no concerns over the word “constitutionally” in the definition. Commissioner Castle stated that he was very comfortable with Scott Wiladsen, the DPSST use of force expert that participated in this work, and he knows Scott was comfortable with where this landed as well. He also thanked the Commission for allowing Scott to be a part of the conversation.

MOTION

Commissioner Karia moved to adopt the proposed rule change to OAR 265-005-0001 Definitions. Commissioner Burke seconded the motion. The motion carried with 10 in favor by roll call vote. Two members were not in attendance. *(see Video time stamp 0:32:33)*

Voting members	Yes	No	Abstain	Not in Attendance
Tarron Anderson	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			
Total	10	0	0	2

MOTION

Commissioner Castle moved to adopt the proposed rule change to OAR 265-010-0001 Sexual Assault. Commissioner Anderson seconded the motion. The motion carried with 10 in favor by roll call vote. Two members were not in attendance. *(see Video time stamp 0:35:26)*

Voting members	Yes	No	Abstain	Not in Attendance
Tarron Anderson	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			
Total	10	0	0	2

MOTION

Commissioner Burke moved to adopt the proposed rule change to OAR 265-010-0010 Assault. Commissioner Castle seconded the motion. The motion carried with 10 in favor by roll call vote. Two members were not in attendance. (*see Video time stamp 0:37:56*)

Voting members	Yes	No	Abstain	Not in Attendance
Tarron Anderson	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			
Total	10	0	0	2

MOTION

Commissioner Karia moved to adopt the proposed rule change to OAR 265-010-0015 Unjustified or Excessive Use of Physical or Deadly Force. Commissioner Lopez seconded the motion. The motion carried with 10 in favor by roll call vote. Two members were not in attendance. *(see Video time stamp 0:40:55)*

Voting members	Yes	No	Abstain	Not in Attendance
Tarron Anderson	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			
Total	10	0	0	2

MOTION

Commissioner Schuback moved to adopt the proposed rule change to OAR 265-010-0025 Moral Character. Commissioner Castle seconded the motion. The motion carried with 10 in favor by roll call vote. Two members were not in attendance. *(see Video time stamp 0:43:16)*

Voting members	Yes	No	Abstain	Not in Attendance
Tarron Anderson	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			

Voting members	Yes	No	Abstain	Not in Attendance
Total	10	0	0	2

2. Discussion Item – Annual Report – Video time stamp 0:45:45

Executive Director Stewart presented the proposed annual report and explained the purpose of the place holder values in the report. This report is due September 1, 2026. Commissioner Karia asked Director Stewart to share the report onscreen and a moment to review the report. (see Video time stamp 0:48:57)

MOTION

Commissioner Karia moved to approve the annual report with placeholders to be filled with the updated information and any typos or formatting issues fixed. Commissioner Williams seconded the motion. The motion carried with 10 in favor by roll call vote. Two members were not in attendance. (see Video time stamp 0:55:33)

Voting members	Yes	No	Abstain	Not in Attendance
Tarron Anderson	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			
Total	10	0	0	2

MOTION

Commissioner Burke moved to approve the Executive Summary. Commissioner Williams seconded the motion. The motion carried with 9 in favor by roll call vote. Three members were not in attendance. (see Video time stamp 0:58:40)

Voting members	Yes	No	Abstain	Not in Attendance
Tarron Anderson	x			

Voting members	Yes	No	Abstain	Not in Attendance
Chief George Burke	x			
Phil Castle				Left prior to the vote
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			
Total	10	0	0	2

3. Discussion Item – Draft Language for Failure to Intervene and Failure to Report - Video time stamp 01:01:15

Executive Director Stewart shared the current draft language. Commissioner Karia explained some of the background discussion surrounding the proposed language, including some of the research and information provided by DPSST. He also circulated the Portland Police Bureau Policy as an example. Paraphrasing the DPSST directive in 2020, he stated that it basically said “the sorts of things that would result in getting you decertified are the things you have an obligation to report.” He provided examples. He also circulated the Portland Police Bureau Policy as an example of how that agency went about drafting its duty to report as an agency policy in addressing this DPSST fork in the road.

Commissioner Lopez commented that if the suggestion is being made that we put forth a definition of what all of those minimum standards are, he fully supports that and agrees with the idea that whatever would get you decertified is the standard.

Commissioner Schuback noted that DPSST has a very broad definition. He believes the concern is how do we codify that or do we just point back to DPSST standards.

Commissioner Karia, for purposes of discussion, noted that the intervention rule is misconduct driven and the reporting rule is misconduct and DPSST driven. He likes the idea of pointing to the DPSST answer. There was a review of the DPSST letter from 2020. (see Video time stamp 01:12:40) Commissioner Schuback asked if the highlighted section is codified in DPSST rules. Commissioner Karia responded with an example of the rule at OAR 259-008-0300.

Commissioner Karia suggested possible language for failure to report. Commissioner Schuback suggested a “catch-all” and some discussion followed.

Commissioner Burke, in looking at the list highlighted in the letter, noted that there are some that are absolutes and those actions would end in termination. There are a couple of things that don't jump out as automatic revocation. He would like to have Commissioner Castle present to add his input. Commissioner Lopez also agreed. Commissioner Karia identified one item on the list, "Conduct that threatens or harms persons, property or the efficient operations of any agency," as discretionary. Discussion on mandatory and discretionary followed.

There were still some questions to be answered concerning both rules. Commissioner Schuback suggested a subcommittee meeting. The following Commissioners volunteered for the subcommittee: Steven Schuback, Jeff Howes, Michael Lopez, Anil Karia and Chief George Burke. It was suggested that Commissioner Castle be asked to participate in this subcommittee.

4. Discussion Item – Future Priorities – Video time stamp 01:33:45

Executive Director Stewart shared the document and discussed the updated list. Commissioner Karia asked about the process for the new rule on confidential information and the effects of new rules on the guide. The Executive Director explained the necessary notice and process going forward with the rule.

Commissioner Schuback suggested a review of the existing rule on use of controlled substances on duty. It was suggested that another subcommittee convenes for this rule. The following Commissioners volunteered for the subcommittee: Jeff Howes, Steven Schuback, Michael Lopez, Chief George Burke, and Benny Williams. Commissioner Karia would like to see materials, guidance, or recommendations regarding the evolving treatment of marijuana. Executive Director Stewart will send the first draft of the proposed changes to this rule to the subcommittee members.

Executive Director Stewart will work with the Commissioners to set up the meetings.

Public Comment (see Video time stamp 01:48:31)

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](#)

- [Rulemaking – Report on Public Hearings](#)
- [Draft Annual Report – 2026](#)
- [Commissioner Castle email – DPSST Testimony on HB2929A](#)
- [Commissioner Karia email – LESC, Question for DPSST](#)
- [LESC Possible Priorities 060426](#)

- [Updated LESC Possible Priorities 080526](#)

Next Meeting:

Date: September 24, 2026

Time: 1:00 pm to 3:00 pm

Location: Via **ZoomGov**