

Implementation of LESC Standards by Law Enforcement Agencies as of August 2024 - *draft*

Introduction

Per **ORS 243.812 (14)**, the Commission shall report annually “information regarding the progress of each law enforcement agency and civilian or community oversight board, agency or review body, towards implementing and applying the uniform standards and the commission’s recommendations on updates to the standards, as are considered necessary.”

Previously this requirement was satisfied by attaching survey responses from each agency to the annual report to the legislature. This is a preliminary summary analysis of the responses gathered to date, which have been entered in a database for tracking and reporting implementation of the Standards by agencies that employ or make disciplinary decisions for Law Enforcement Officers (LEOs) in Oregon.

The responding agencies:

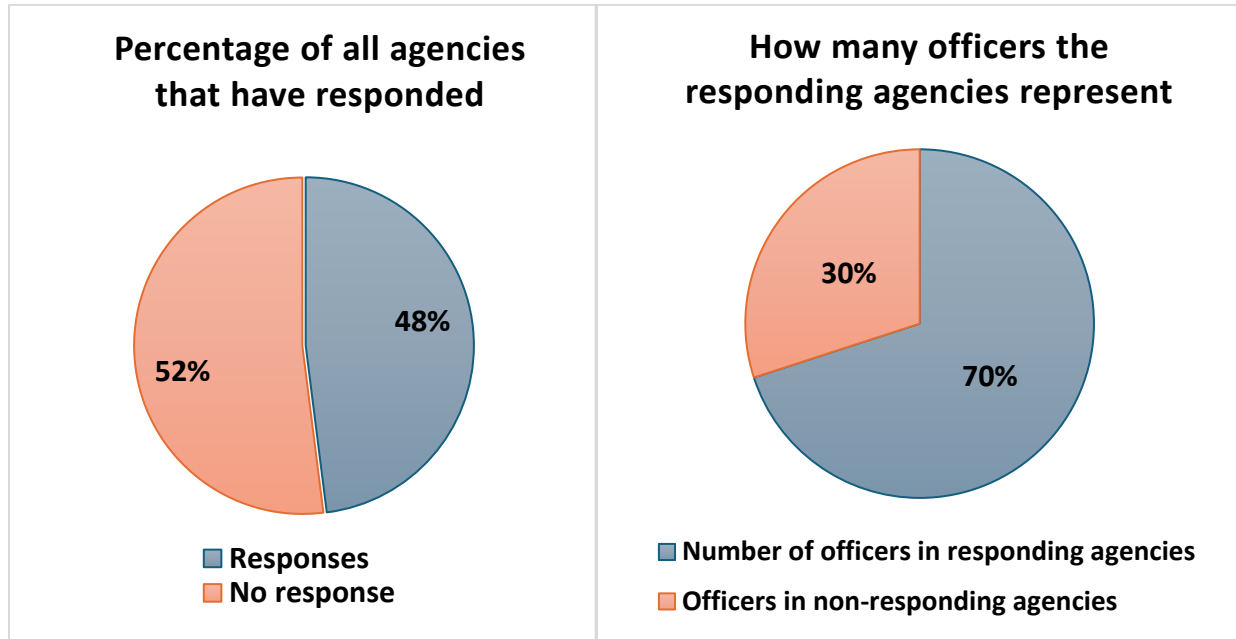
Year	Number of agencies sent survey invitation	Number of agencies that responded	Return rate
2023	140	64	45.7%
2024	146	40	27.4%
Cumulative	146	70	47.9.% of agencies to date

Some agencies were not included in the original surveys because the Standards did not apply to them prior to SB 808 expanding the definition of law enforcement officers. Appropriate updates are made to the database as they are identified, and subsequent notifications and survey invitations will reflect those changes.

Responding agencies by size:

In addition to the total number of agencies that report being in compliance, this analysis also considers the size of those agencies as an important variable to determine what proportion of Oregon law enforcement officers are employed in agencies that have implemented the uniform standards. For example, while the Oregon State Police is only 1 of 178 active law enforcement agencies in the state, that one agency accounts for 11.4% of all the 6,114 law enforcement officers in the state.

While the total survey response rate for all agencies was only 48%, the agencies that did respond represented 70% of all Law Enforcement officers in the state.



Adoption of the standards (cumulative responses as of August 2024):

1. “Has your agency implemented the statewide standards of conduct and discipline?”

The majority of agencies that have responded to the survey reported that they had adopted (or were in the process of adopting) the standards, as shown in the table below (by numbers of agencies):

Adopted yes/no	Yes – agencies adopted (n 65)	Not adopted yet (n 11)	No response (n 76)
Percentage of all agencies responding to survey	84%	17%	(0%)
Percentage of all Oregon agencies	38%	7.8%	54.3%
Number of officers in those agencies	4052	242	1820
Percentage of all officers in state	66%	4%	30%

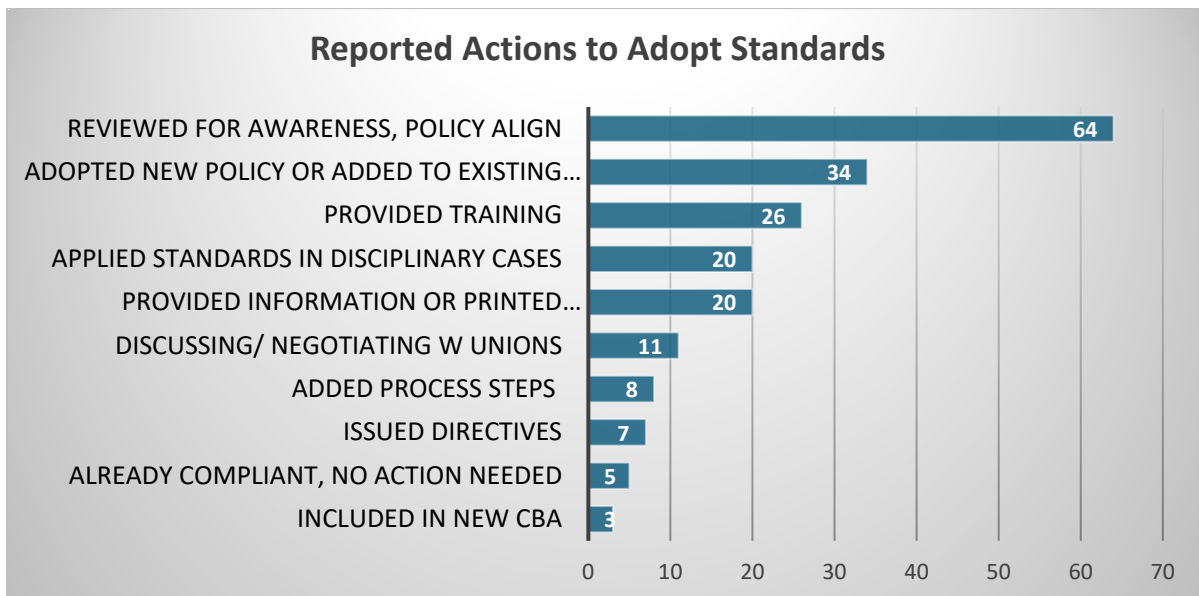
2. “If no, please explain why not”

Fourteen agencies as of August 2024 (mostly in 2023) reported they had not fully adopted the standards yet, and some gave more than one reason for it. Three had partly adopted. The most commonly reported reason was awaiting the end of current Collective Bargaining Agreements.

Awaiting or negotiating new CBA	Unaware of standards	Lack of time/resources	Already consistent with practice	We haven't received direction on how to implement
9	3	3	3	1

3. “If you have adopted or are in the process of adopting, what has your agency done so far to implement the statewide standards of conduct and discipline?”

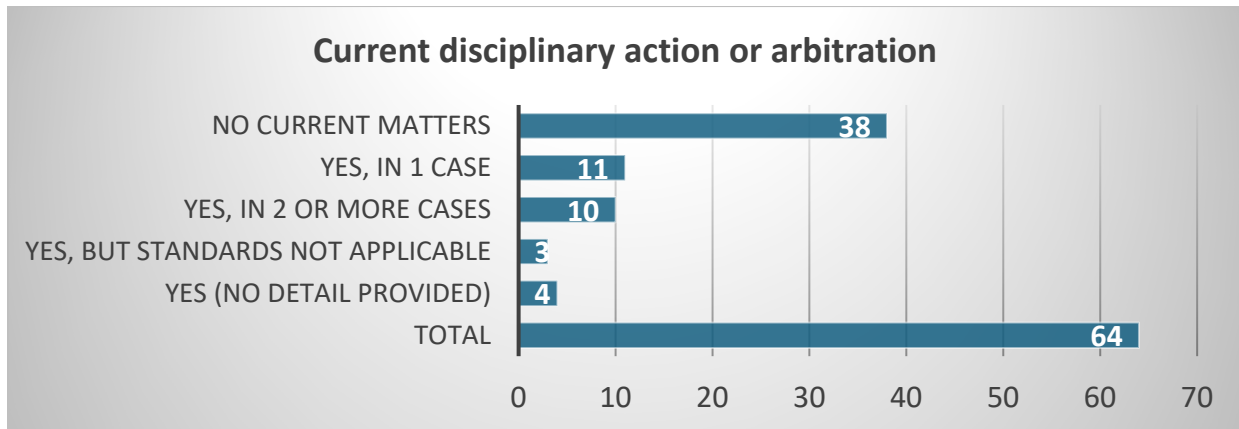
As shown in the table below, 64 agencies reported having adopted or being in the process of adopting the Standards. Most agencies reported completing more than one action. The most common action was adopting a new or adding to an existing policy, followed by providing training. Note: the survey didn’t specifically ask which steps had been taken, these responses were offered by respondents in an open-ended question.



Application of the LESC Standards

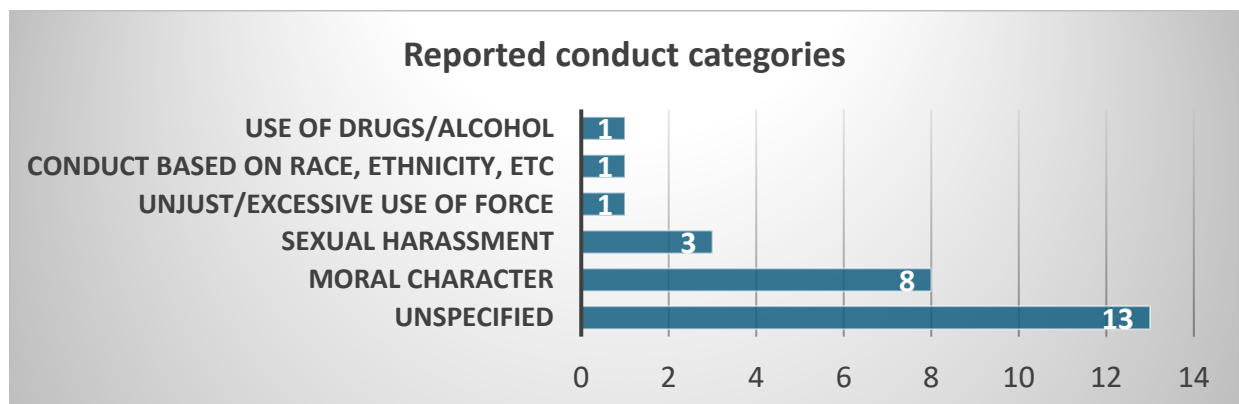
4. “Has your agency applied the statewide standards of conduct and discipline in an arbitration or disciplinary action?”

A cumulative total of 38 agencies reported having no current disciplinary matters or arbitrations, as shown in the table below. Eleven had had a single case, ten more had 2 or more cases. Three had disciplinary matters only for offenses not covered by the standards, and some others mentioned having cases with both conduct addressed by the standards and conduct not covered by the standards. There were also three arbitrations either upcoming or in process. The survey did not request specific details, this question was in an open-ended format and asked only about matters that were currently open.



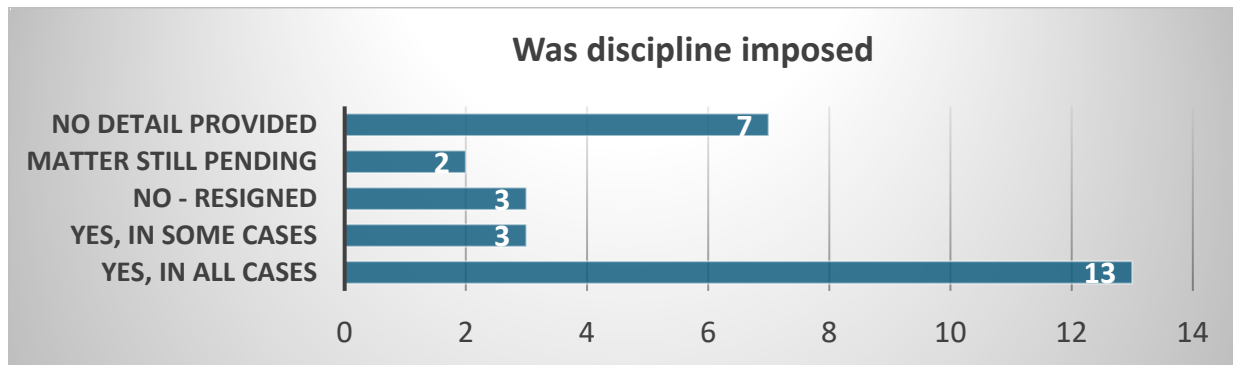
5. “What category of conduct was at issue?”

Moral character was the most common category of conduct agencies reported. It should be noted that the survey doesn’t currently ask agencies how many disciplinary cases they had in the previous year, or which type of conduct each involved. Agencies that listed a type of conduct may have had more than one case involving the same type of conduct, which the survey in its current form cannot capture. Also, some agencies that reported using the standards didn’t provide detail about the specific types of conduct involved.



6. “Did the matter result in discipline?”

Among respondents who responded to the question, most disciplinary matters ended in discipline. Details were not provided by seven respondents who reported current disciplinary matters. Where the matters did not end in discipline, the officer resigned before the investigation was concluded and sanctions were imposed, or the matter was still pending.



7. “What level of sanction did your agency impose?”

Most agencies applied the presumptive or mandatory sanctions. Three applied mitigated sanctions, 1 applied aggravated sanctions. Two were still pending, and in three cases the officers resigned before the case was concluded and discipline determined.

Mandatory sanctions	Presumptive sanctions	Mitigated sanctions	Aggravated sanctions	Matter still pending	Officers resigned
4	7	3	1	2	3

Conclusions:

This analysis suggests potential improvements to be made in tracking and supporting implementation of the Standards for Conduct and Discipline. The next steps will be to consider offering more guidance to support agencies in implementing and applying the standards, to revise and update the 2025 survey, employ strategies to improve the response rate, and migrate the survey and database to a software solution that allows a seamless, accurate and efficient process from initial data collection to final data analysis and reporting.

Open-ended comments and recommendations

This table captures the 2023-2024 open-ended recommendations and comments on the Standards of Conduct and Discipline from the 2023-2024 Law Enforcement Agency Survey Results.

Give the southern part of the State a voice in the process. If the process is dominated by the Willamette Valley, you will get resistance and resentment from southern Oregon.
None. Just continue to be an open source for Lexipol.
Have DPSST Policy Boards uphold the discipline imposed. Require DPSST Policy Committees to uphold the sanctions imposed for certification purposes.
Rather than a straight punishment model, consider restorative justice, training and mentoring when possible. Keep and increase flexibility. No "One size fits all" solutions. Our world is not black and white.
To mandate city and County attorneys to attend trainings regarding the state standard and procedures regarding conduct so they can better advise agency heads on said standard. To have a more broad scope of what types of discipline can be used. Discipline should fit the type of conduct.
None at this time as we have not had any disciplinary issues that we have dealt with since this went into effect. The standards appear to be pretty straight forward.
None, the guidelines and rules are clear. There is room to utilize discretion throughout the standards of discipline so long as you remain within the guardrails.
Continue to put out guidance and updates as necessary.
Training provided as part of rule, for all levels of Law Enforcement.
The only recommendation would be that for the unjustified use of force standard. The standard should not be serious physical injury we feel. If the unjustified use of force ends in any injury the presumption should be termination and then leave room in for mitigating circumstances. N/A - currently unable to make a recommendation. Better communications with agency and example from agencies who have already completely updated policies regarding their process and work with labor to achieve the goals
If officers have been terminated for violations of conduct standards, their certifications should be automatically revoked. Ensure agencies keep discretion when looking at discipline for individuals, so discipline can be implemented based on the totality of circumstances. The categories of conduct need to be broader and encompassing. We have had discipline issues that do not fall under the current categories of conduct, including discipline severe enough to warrant termination.
No recommendation, I think these standards are good. I do have some issue with the implementation for smaller agencies. Smaller agencies do not have the experience with personnel investigations which can be very difficult to navigate. If they are not done perfectly, it often times leads to legal claims. There needs to be some protections for agencies to be able to implement the discipline.
We need better clarity on all of the standards and where they fall into a disciplinary category.
Provide awareness materials and regional training. Not aware of uniform standards in the first place. How should we know what updates may be needed?