

# Review and Summary of LESC Public Comment (2022-2024)

This report is a preliminary summary of public comment received as of August 2024 by the Commission on Statewide Law Enforcement Standards of Conduct and Discipline (LESC), which have been gathered and coded in a new database for tracking and reporting. We acknowledge and appreciate the time, the thoughtfulness and commitment that members of the public put into these comments.

There were three main sources for the comments:

- During the Rulemaking public hearings and open comment period in 2022, 191 comments were received (Full text, over 547 pages, is available at this link: [NPRM 2022-07-28 Public Comments.pdf](#).)
- Six comments received during the annual public survey period in 2023.
- Seven comments received during the annual public survey period in 2024.

The annual Reports to House Committee on Judiciary for 2023 and 2024 contain the results of the annual public survey and are available on the website at the following links:

- [LESC 2023-09-01 Report to House Committee on Judiciary.pdf](#)
- [LESC 2024-Report to House Committee on Judiciary.pdf](#).

Comments and testimony received during the legislative process for HB 2930, that gave rise to the LESC’s creation, or for SB 808 that made revisions to the initial bill, are not included in this report. Verbal comments made by the public during Commission meetings from 2022 to 2025 are not included in this report, however, it should be noted that most of the substance of those public comments is also found in the written comments summarized here.

## The public comment received by the LESC from 2022-2024

A total of 204 comments were received from 186 individual commenters, some of whom commented more than once. Sixty-five of those commenters submitted one of three different form letters from community organizers. There were 122 unduplicated observations, comments or suggestions.

Subject Matter of Public Comments Received	Percentage of Respondents
Standards do not increase trust, accountability	67%
Not restrictive enough - no mitigation- too much discretion	66%
Hate Group membership should be banned	63%
Termination only for Sex Assault/harassment	61%
Termination only for excessive Use of Force/assault	51%

Termination only for targeting based on race, ethnicity, etc	33%
LESC member composition is biased/unacceptable	16%
Specific recommendations, suggested language	12%
Police should be held to higher standards	10%
Add other kinds of sanctions	9%
Topics outside LESC scope	8%
Improve guidelines re investigation, mitigation, applying standards	7%
Expand standards	6%
Other misc. topics	3%
LESC is inherently flawed	3%
"Hate group" hard to define, may be difficult to enforce	2%
Agree with standards	2%
Standards are too restrictive	0.5%

### **“Standards do not hold police accountable, they do not go far enough”**

The most common response (67%) was the view that the standards did not increase community trust or police accountability in general. Some respondents did not elaborate beyond that general observation, but many did.

A similar but more specific response of 66% of respondents said they believed the standards were not restrictive enough, that they allowed too much discretion to police chiefs and disciplinary bodies for law enforcement. Most felt that there should be less or no mitigation possible for most offenses, with many specifically calling for an end to written reprimands as an option for sanctions for this collection of offenses.

Overlapping with the reported belief that standards were not sufficiently restrictive, many respondents took particular issue with the sanction range for specific types of misconduct. Of those responding, 61% thought that any finding of sexual assault should result in termination, with little or no mitigation possible; 51% felt the same was true for regular assault or excessive/unnecessary use of force; and 33% thought the same should apply for findings of conduct that is motivated by or based on a real or perceived factor of an individual’s race, ethnicity, national origin, sex, gender identity, sexual orientation, religion, or homelessness. This comment is an example:

*“Obviously, when a police officer commits a sexual assault, maims or kills a person with unjustified or excessive physical force, or is a racist or a hate group member, the cop should be fired!!! Stop protecting cops who commit racism, hate, sexual assault, or violence against our communities. This is so clear and such a moral issue, that I am deeply disappointed that I would even need to write this email.”*

Additionally, 10% expressed the opinion that police should be held to higher standards of conduct than the general public, as for example with the view:

**“With greater power comes greater responsibility.”**

Of those responding to the survey, 9% wanted to expand the types of sanctions available for discipline, such as forfeiture of retirement pensions, being suspended without pay or being arrested without bail while under investigation for employment actions.

It should be noted there appears to be confusion in some respondents as to the distinction between crimes addressed by the criminal justice system and employment actions taken by agencies in cases of conduct that do not rise to the level of criminal sanctions. This comment is an example of that:

*The "standards" being proposed are a joke. Rape by police officers, excessive force, killing a suspect as s/he is fleeing should all be treated as crimes and the officers should be tried in court with jail time as a likely sentence.*

This came up most frequently in comments regarding sexual assault, which (as in the previous comment) is widely interpreted to mean rape. That in turn may explain the intensity of the response over allowing mitigation or written reprimand as a sanction. It may be important to note that in the rule under Moral Character, a sex crime conviction (or any kind of criminal conviction) would result in mandatory termination.

Improving guidelines for investigations of misconduct or application of the standards was mentioned by 7% of the respondents, particularly to give clearer direction around applying mitigation. Another 6% called for expanding the standards to include other kinds or levels of offenses.

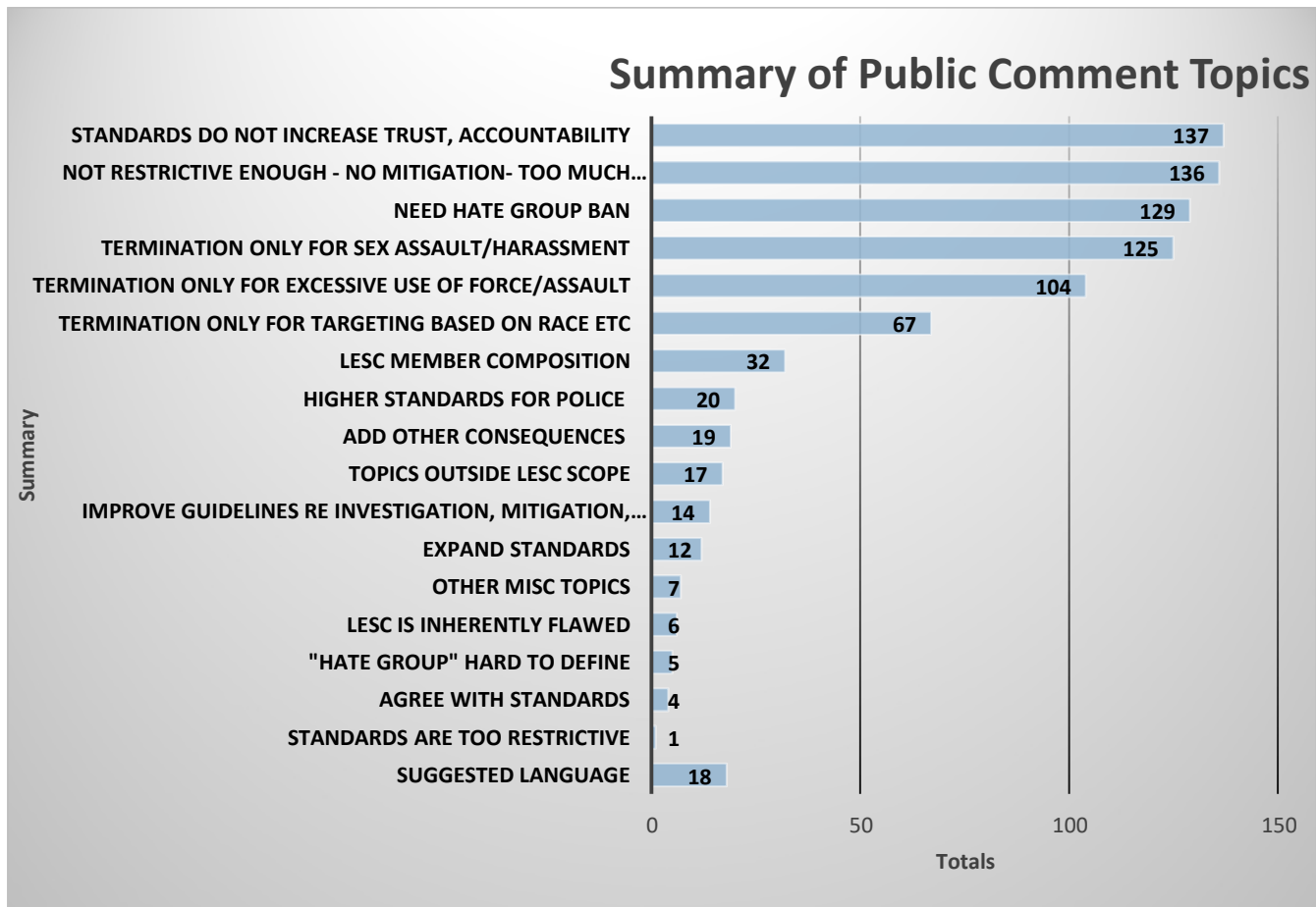
### **“Hate group membership is incompatible with policing”**

A large number of respondents (63%) felt that hate group membership is incompatible with expectations that law enforcement officers should serve all members of the community fairly and equally. Some made the further distinction that while mere membership in a hate group may not be enough on its own to bar employment as a law enforcement officer, such membership should become terminable if it is accompanied by any kind of hate group activity, including posting of offensive and discriminatory content online, offensive tattoos, or demonstrating or participating in any kind of hate crimes or discriminatory actions. Many respondents referenced the groups that participated in the attack on the U.S. Capitol on January 6, 2001, and pointed out that some of them were off-duty police officers. One commenter noted:

*“Except for racial profiling, there are no provisions for disciplining officers who have demonstrated racist or other discriminatory behavior.”*

A much smaller number of respondents (5%) observed that hate groups are difficult to define, asking who would determine whether it was a hate group or not, and how they would avoid conflict with 1<sup>st</sup> Amendment issues and the rights of free speech, freedom of religion, and free association.

The chart below shows this prevalence of comment types graphically:



### Issues with the Commission itself (concept, composition, or scope)

The composition of the commission was criticized by 16% of respondents, believing it had too many police members, and not enough women or members of communities with challenging relations with police, particularly survivors of police use of force.

Less than 5% of respondents believed that the LESC is inherently conceptually flawed (i.e., that it should be replaced with a citizen activist commission instead, or the opposing view that responsibility for setting standards and sanctions should remain with the agencies.)

Additionally, 8% had comments not related to the scope and charge of the LESC, for example wanting the LESC to look into specific allegations of misconduct, make arrests or conduct criminal investigations, to require testing of DNA, steroid or drug use of all Oregon officers, or to require they all wear body cameras.

## Other responses

Most of the remaining topics were mentioned by less than 5% of respondents: A small number of respondents approved of the standards as written. One individual thought the standards were too restrictive and took too much discretion from police leadership.

## Specific recommendations and proposed language changes

Most responses were general expressions of disagreement with Rule elements, or requests to remove specific language from the standards and guide (primarily written reprimands or mitigating factors.)

But about 12% of respondents submitted very specific recommendations or proposed language changes for Commissioners to consider, covering a range of elements including definitions or changes to the standards or guide, or disagreeing with the underlying logic. Many of these responses were detailed and reflect considerable time, research and expertise. Those suggestions (lightly edited for length) have been included in the addendum to this report to facilitate commissioners' review of the standards.

## Conclusions

Review of the public comments received by the LESC to date clearly highlight specific issues of widespread concern among respondents, in particular with these issues:

- Use of written reprimands (rather than mandatory termination) as a sanction for allegations of sexual assault, use of force/deadly force, and conduct motivated by an individual's race, ethnicity, national origin, sex, gender identity, sexual orientation, religion, or homelessness.
- The application or breadth of mitigating factors.
- Law enforcement membership or activity in hate groups.

Multiple comments received suggest a need for more information, education and outreach around the standards, the guide, and how law enforcement disciplinary processes work. For example, the lack of clarity on the distinction between criminal prosecution, disciplinary employment actions, and decertification processes, as seen in this comment:

*"Definitely, change the standards so that discipline can take place regardless of the grand jury's decision, because lots of Families' cases in Oregon don't even go to a grand jury."*

Next steps will also include redesigning and migrating 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, to replace the time-intensive manual process used for this report.

Additionally, the annual public survey response rate has been low, suggesting opportunities to increase the diversity and number of voices that inform the Commission's work, and make it easier for all to participate in matters of widespread public interest.