

NOTICE OF PROPOSED RULEMAKING

Including Statement of Need & Fiscal Impact

Chapter 265

Commission on Statewide Law Enforcement Standards of Conduct and Discipline

Public Comment

Updated: Wednesday, September 19, 2022

From: [Travis Hampton](#)
To: [ORLawEnf Commission](#)
Subject: OAR 265-010-0015 Draft Rule Suggestion- Deadly Physical Force
Date: Tuesday, August 2, 2022 5:22:24 AM

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Good morning, Commission

Thank you all for your difficult work on the proposed draft rules for law enforcement standards of conduct and discipline.

I had a suggestion on the draft rule relating to *Unjustified or Excessive Use of Physical or Deadly Physical Force*, specifically the portion that limits the actionable conduct to events that results in death or serious physical injury or death.

As it relates to deadly physical force, I believe the conduct should not be tied to any level of injury- but simply a review of the act independent of injury or death. I appreciate injury is often referenced in triggering civil and/or criminal action (SB 111), but should not be a basis for police officer discipline standards.

I have reviewed hundreds (if not thousands) of police officer use-of-force incidents, including events where officers have used deadly force and there are no resulting injuries (primarily gunshots that have missed, but also includes weapon malfunction during an attempt to use deadly force and no shot was fired).

With this in mind, I would suggest the below language (new language bolded);

*A disciplining body shall impose upon a law enforcement officer disciplinary action of termination upon a finding that the officer engaged in misconduct constituting **unjustified deadly physical force or unjustified or excessive use of physical force** by the officer that results in death or serious physical injury.*

This language is not intended to include accidental discharge incidents, but all intentional use of deadly force- regardless of injury. I stipulated much is lost to those of us that have not had the benefit of your discussion and research, so this suggestion is made on my understanding of the respective OAR wording alone.

Good luck to you all and again, thank you for the work of the Commission.

Travis Hampton
Retired Superintendent of Oregon State Police

Archived: Wednesday, August 3, 2022 9:17:19 AM

From: [De Z](#)

Mail received time: Wed, 3 Aug 2022 15:42:01

Sent: Wed, 3 Aug 2022 08:41:45

To: [ORLawEnf Commission](#)

Subject: New police rules

Importance: Normal

Sensitivity: None

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Greetings,

I used to work for DOJ and the Board of Parole. My cousin, Bonnie Lambright, was impregnated by Officer Bennett and had given birth to his baby whom was adopted by another cousin. After his baby was adopted, he and other Salem police harassed my Aunt Joan Lambright until she suffered a stroke in an effort to cause fear for exposing his misconduct because the law in Oregon states only the maternal grandmother may demand DNA evidence of the officer/sex abuser/sperm donor of the rape that ended up with a pregnancy and birth of the officer's child.

If you want to allow sex abusers to cosplay cop, then admit you have zero regard to the public they swore an oath to protect. Police are not exempt from rape. I expect every officer in Oregon to freely give a DNA sample to the databank of information to prove they aren't actually sex offenders who weren't caught or incarcerated as of yet.

For that matter, if a police officer refuses to use body cameras, we, the public, can expect more abuse from those men whom use their positions of power over their victims to abuse at will.

This is an epidemic in Oregon that must end. Police in Hawaii are petitioning to be able to have sex with prostitutes after a paw has to be created to stop police from sexually abusing women.

If you are unwilling to make this desperately needed change to extract DNA to thwart police from sexually abusing citizens, then we shall utilize social networking to expose the disgusting acts Oregonians are inflicted with on the daily.

I expect to hear thank you from you for my taking the time to write you about this phenomenon of sexual violence that women have been subjected to for far too long.

DNA testing on every officer; from police captains, correctional officers and training officers. It is a statically proven blight that the police have been permitted to engage in without body cameras for far too long. You should be embarrassed and if you aren't, you are part of the problem.

Sincerely,

Desiree Stratford

Archived: Wednesday, August 3, 2022 9:57:54 AM

From: [Mike Krantz](#)

Sent: Wed, 3 Aug 2022 16:53:59

To: [ORLawEnf Commmission](#)

Subject: Comments re: definitions

Importance: Normal

Sensitivity: None

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I am submitting a comment specifically on the definition of Untruthfulness.

Because of the ambiguity of Untruthfulness and the use of the allegation of Untruthfulness in law enforcement, there needs to be a much more specific and defined term of what Untruthfulness is specifically in the course of official duties.

I would recommend a change to the definition, as termed in this rule making process.

“Untruthfulness” means knowingly or willfully making false statements specific to official work-related matters, falsifying work-related records or official documents, omitting material facts or material information, or answering questions or providing information in a manner that is incomplete, evasive, deceptive, or misleading when related to official work-related matters.

The definition of Untruthfulness as it now leaves substantial room for allegations of Untruthfulness for items that have no consequence to the employment of a law enforcement officer. It would leave room for big fish tales being alleged as untruthful or providing best guess information to a community member when it is not consequential to official duties.

Taking this to an extreme, as written, a law enforcement member could be alleged to be untruthful in a variety of non-consequential matters during off duty work or in matters of relationships, etc..

As a Police Chief, the more specific this definition is the more guiding it is. With this definition, if someone complained that a law enforcement officer, who was off duty, alleged the officer told them something that was untruthful, I would have to investigate it and if found to be true, then sustain it. This could be something as simple as a “big fish tale”.

This definition needs to be much more specific to during the course of employment, for official purposes with consequential outcomes, such as in police reports, testimony written or oral, interviews, and questioning by supervisors, and other official records.

Thank you,

Mike



Mike Krantz

Chief of Police | City of Bend Police Department
O: 541-312-7990 | [Join BPD – Learn More](#)



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Archived: Friday, August 5, 2022 9:17:17 AM

From: [Jerry BOYD](#)

Sent: Fri, 5 Aug 2022 13:23:58

To: [ORLawEnf Commission](#)

Subject: Input-Commission on Statewide Law Enforcement Standards of Conduct and Discipline

Importance: Normal

Sensitivity: None

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My name is Gerald W. Boyd and I reside in Prineville Oregon. I am an honorably retired veteran of 42 years of law enforcement service. Included during that period were 15 years as a Chief of Police in another state. This email is to provide input regarding the proposed statewide standards of law enforcement conduct and discipline. Please provide the members of the Commission with this input.

In my professional opinion the Commission's endeavor is both unnecessary and inappropriate. It constitutes legislative overreach which merely asserts more control by the State Legislature over matters best left to cities and counties. It usurps the authority and responsibility of elected Sheriffs and professional Police Chiefs across this state.

Legislation at the state level which is binding on cities and counties must only be enacted when there is a demonstrated problem or need which only state legislation can correct. That is not the case here. I defy the legislature or the commission, or anyone for that matter, to cite any significant number of police misconduct cases which have not been appropriately dealt with by Sheriffs and Chiefs. You can't. Police leaders in this state are professional, take their responsibilities seriously, and do not excuse officer conduct which should result in discipline including termination.

The proposed mandatory discipline is not rocket science in most cases, and the discipline imposed now by Sheriffs and Police Chiefs for the various offenses described generally mirrors that which is mandated. There can, however in some cases, be mitigating circumstances which a written mandate cannot take into account but which Sheriffs and Chiefs have a professional and moral obligation to consider. These "standards" preclude that.

If the legislature believes there is a need for legislation in this matter perhaps they should craft the legislation to apply to law enforcement agencies at the state level, such as OSP etc. that they are directly responsible for. Unless abuses can be proven law enforcement standards of conduct and mandatory discipline at the county and state level should be left to Sheriffs and Chiefs to determine.

Sent from [Mail](#) for Windows

Archived: Monday, August 8, 2022 8:34:43 AM

From: [De Z](#)

Mail received time: Sat, 6 Aug 2022 16:28:08

Sent: Sat, 6 Aug 2022 09:27:52

To: [ORLawEnf Commission](#)

Subject: Body cameras for police

Importance: Normal

Sensitivity: None

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If you refuse to ensure public safety by enforcing police wear body cameras at all times, rest assured a cell phone or dash cam will capture the abusive tactics Salem police gave engaged in for decades.

Almost a billion dollars on a city police station and not a dime on cameras is a blatant abuse of money and the public trust.

I demand all police are tested for chemical abuse of steroids and be provided DNA testing to prove they aren't committing sex offenses and covering up crimes by becoming an officer.

Bennett was promoted while his thugs beat my 80 year old grandmother over his impregnating my stupid drug addict cousin, Bonnie Lambright in a messed up raid.

The raids were to frighten my Aunt Joan Lambright into silence and only after she suffered a devastating stroke, the raids stopped and all garbage charges were dropped. Bennett believed she would die.

Bennett has a child from his abuse of my family. Another had her baby weeks before her due date, but yet, you keep the bad apples and leave a billion dollar rotting pile of garbage with zero body cameras.

A BILLION DOLLARS.

what a sham.

I am embarrassed to have served along the likes of such disregard to human life.

Archived: Tuesday, August 9, 2022 3:28:31 PM

From: [Fred SezMe](#)

Mail received time: Tue, 9 Aug 2022 22:25:26

Sent: Tue, 9 Aug 2022 15:25:21

To: [ORLawEnf Commission](#)

Subject: Hate groups

Importance: Normal

Sensitivity: None

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It's important that citizens don't worry about police officers belonging to hate groups. You want to know that your appearance or a bumper sticker on your vehicle isn't going to trigger an act of retribution because you're the target of that officer's chosen hate group. Belonging to a hate group should disqualify a person from a law enforcement career.

Fred Fawcett

Sent from [Mail](#) for Windows

Archived: Wednesday, August 10, 2022 8:06:51 AM

From: [Matt](#)

Mail received time: Wed, 10 Aug 2022 14:46:30

Sent: Wed, 10 Aug 2022 07:46:19

To: [ORLawEnf Commmission](#)

Subject: Proposed legislation

Importance: Normal

Sensitivity: None

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I am all for holding law enforcement to a higher standard of conduct given how much power they are given over us. What we must not do is send a message that unlike the people they are tasked with arresting that they are given the same presumption of innocence and that law, and not optics drive any investigation and potential punishment. It is also necessary that people who would resist arrest or assault an officer know what significant punishment awaits them if they do, they and more importantly officers need to know that this will not be tolerated.

Regards,

Matthew Munz

Sent from [Mail](#) for Windows

Archived: Wednesday, August 10, 2022 8:14:40 AM

From: outlook_90A43E7186332743@outlook.com

Mail received time: Wed, 10 Aug 2022 15:11:45

Sent: Wed, 10 Aug 2022 08:11:40

To: [ORLawEnf Commission](#)

Subject: Proposed Police Conduct Rules

Importance: Normal

Sensitivity: None

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I did not attend the recent discussion regarding the inclusion, or not, of hate groups. But after reading the account in today's Statesman Journal a few thoughts come to mind.

Who decides and defines a hate group? Would it be the Southern Poverty Law Center? Would it be a police department head? City council? The FBI?

I would submit that the fluidity of many groups make it difficult to categorize them with assurance. They may move in and out of whatever the current standard definition may be. Individual members may say or promote something that is not in accordance with a group policy. Groups can and have hijacked some time honored symbols such as the flag, cross and rainbow and attached them to their cause. These symbols are frequently used by people who have no ties to any nefarious group. Do we begin to investigate officers who have a sticker on their personal vehicle parked in the police parking area because some hate group also uses the symbol?

How would free speech and association be protected? How would research on one's computer or phone be viewed by the Commission if the contents were to become exposed? How would affiliation with a political party be viewed? One only needs to look at the political divide between the Republicans and Democrats. Both from time to time espouse rhetoric, and occasionally conduct, that one could argue is hateful, depending upon ones perspective. Would or could an officer be disciplined for participating in a Right to Life or Black Lives Matter rally and/or march? Would membership in the National Rifle Association be viewed with distain? Would on duty conduct be viewed differently than off duty conduct?

I would think a more reasonable approach would be to leave hate groups out of police conduct rules because Federal and State statutes define hate crimes and I suspect most police department Policy Manuals and rules and regulations would cover inappropriate conduct. When in fact, an officer does something that is questionable and comes to light, a subsequent investigation hopefully will be objective and if an officer is found to have violated the law or policy then discipline can be administered.

As a related aside, if we truly desire better conduct of any Oregon public employee, finding a legal way to deprive one of their non-personal (or equivalent) contributions to the PERS retirement pension would, in my opinion, do more to prevent misconduct than any other penalty. In essence, one's employer contributions would be at risk of forfeiture.

Thank you for the opportunity to participate in this discussion.

Hal Smith
Salem, OR

Sent from [Mail](#) for Windows

From: [Teresa O'Caer](#)
Mail received time: Wed, 10 Aug 2022 18:07:57
Sent: Wed, 10 Aug 2022 11:07:54
To: [ORLawEnf Commission](#)
Subject: Police
Importance: Normal
Sensitivity: None
Archived: Wednesday, August 10, 2022 11:14:05 AM

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I don't think any ties to a hate group should be permitted by law enforcement people.

Teresa O'Caer

Archived: Monday, August 22, 2022 8:27:48 AM

From: [Jack Radey](#)

Mail received time: Tue, 16 Aug 2022 21:52:01

Sent: Tue, 16 Aug 2022 14:51:44

To: [ORLawEnf Commission](#)

Subject: Proposed police conduct standards

Importance: Normal

Sensitivity: None

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Dear Sirs/Madams,

I am familiar with Oregon government's ability to address difficult questions with symbolic actions that have no effect in the real world but SOUND like something has been done. The recent decisive move to keep Oregonians safer from gun violence when the State Legislature firmly decided to outlaw guns inside the State Legislature. I can't tell you how much safer I feel now.

But the standards for police accountability. On its surface, it seems to propose something. It mandates that the default setting for discipline for

- Use of unjustified or deadly force that results in death or serious injury

Who could object to this? But does it mean anything? If ANYONE uses unjustified or deadly force that results in death, this is either murder or manslaughter, and if it results in serious injury it is attempted murder or a serious assault (felony). Now if ANYONE, much less a public employee, much less a law enforcement officer commits murder, manslaughter, or felonious assault, not only should they be disqualified for employment but they should be prosecuted for a major crime. Does this proposed standard mean that currently an officer who commits murder, manslaughter, or felonious assault is not automatically fired? Or is this only for the period between the time the action has happened and the time the conviction is secured?

The following offenses are to be punished by termination or mitigated penalty. A mitigated penalty could be anything from suspension without pay, salary reduction, demotion, or a written reprimand in their record.

- Use of unjustified or excessive physical force that results in death or injury.

- Sexual assault.

- Intentionally targeting a member of a protected class

First of all, "unjustified or excessive physical force" - the unjustified aspect would seem to preclude "mitigating factors" because the force is either justified, in which case it is not a crime, or it is unjustified, in which case it is a crime. Use of force that results in death or serious injury if it is not justified is a serious crime. Mitigating factors, whatever they might be, might be introduced in a sentencing hearing after conviction, but what business do they have in administrative decisions about employing a criminal as a police officer?

What would be a mitigating factor in a sexual assault be? If it is a sexual assault, it is an assault. If it was a mutual agreed interaction, it is not an assault. That she had had a couple of drinks and let the officer kiss her ear without screaming does not mitigate the action of the officer if he then sticks his hand up her skirt.

The mitigating factors involved in discriminatory targeting are well known, and mostly come down to the difficulty in "knowing"

what goes on in an officer's head when he decides to engage with a subject. Even if an officer can be proved to have made statements indicating animus towards a group of people, it is hard to "prove" that his action was motivated by this animus. The STOPS program has shown that there is a problem, but what is done about it?

The first thing wrong with this formulation is that it is not already a default setting that commission of a capital crime or a major felony is not already automatically grounds for termination. It should be.

The second thing wrong is the mitigation. Can you imagine a situation where an officer uses unjustified or excessive force that results in death should be penalized by a letter of reprimand? If the force was justified, then it is not a crime. If the force was unjustified it was. There are no circumstances in which a person who has committed murder, manslaughter or felony assault should be a police officer.

The mitigation aspect of this proposal means that this whole thing has the appearance of requiring consequences without actually doing so. The decision making in these cases is done behind closed doors, by the head of the local law enforcement agency. His or her decision is not appealable, arbitrable, or public. I understand the need to protect the privacy of the accused officer. All those accused are not guilty. With a good police chief, we can have reasonable hopes that discipline will be used against criminal conduct. But we never know. With a bad chief, and there are those, those who believe a chief's job is to protect his employees from consequences, has enough room in this set of proposals that they are meaningless.

There are other problems. The question of transparency is not addressed. The public, to have trust and confidence that their law enforcement officers are as subject to justice as they are, has to have some way to know that discipline was in fact carried out. Balancing this with the legitimate rights of officers requires some real thinking, but the status quo does not cut it.

The refusal of the commission to explore the question of affiliation of officers with hate groups is concerning. It is NOT a simple question. Our country is closer to major civil conflict than at any other time since 1859. As the assault on the Capitol by in some cases off-duty officers, in the process injuring 180 Capitol Policemen and women illustrates, these evil forces reach into the ranks of law enforcement. The problem is made more difficult by the realization that the next overt act by these forces could involve widespread use of guns, with a certainty that among the victims are likely to be more than a few law enforcement personnel.

At the same time, groups with stated goals of overthrowing the government and Constitution by force and violence: Proud Boys, III% Militia, Boogaloo Boiz, Oath Keepers do not, as far as I know, have membership cards, dues, and rosters. How are those affiliated with them to be identified? Holding extreme views is not a crime, and given the gradations of opinion tend to be blurry and individual, how is it to be determined who is in such a group, who has similar views on some issues, and who just likes blowing off? And who is to decide?

The Commission seems to have seen its mandate, as evidenced by its composition, to be to protect law enforcement from accountability, using the tried and true technique of saying one thing but creating a "watch dog" who barks loudly but has no teeth. This dog can't even bark loudly. it just looks impressive.

Thank you,

Jack Radey

PS, how do I go about registering to speak to the legislature on this?

Archived: Monday, August 22, 2022 8:28:27 AM

From:

Mail received time: Sat, 20 Aug 2022 20:46:08

Sent: Sat, 20 Aug 2022 13:46:01

To: [ORLawEnf Commission](#)

Subject: Comment on Draft Police Disciplinary Rules

Importance: Normal

Sensitivity: None

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Dear Commissioners,

Thank you for your important work.

I am an active member of the Oregon State Bar, first admitted to practice in 1980. A significant area of my practice involves representation of victims of police misconduct. I hope the following is of some value to your deliberations.

1) The public interest served by these rules should be clearly stated.

What is the over-riding guiding principle for the adoption of “rules that provide uniform standards of law enforcement conduct and discipline?” Is it to ensure that officers adhere to their oath to protect the rights guaranteed each citizen by the federal and Oregon constitutions and to impose a uniform system of discipline when officers offend those rights? It would be helpful to have a statement of guiding principle(s) for those who must apply these rules.

2) OAR 265-005-0001 (10): Defining “justification” for use of physical or deadly physical force pursuant to ORS 161.205 to ORS 161.267 sets the wrong standard for determining whether an officer’s use of physical or deadly force constitutes misconduct that may subject an officer to discipline.

These statutes appear in the criminal code and set forth the circumstances under which “justification” may constitute an affirmative defense to a charged criminal offense involving a use of physical or deadly physical force. Under our courts’ construction of these statutes, “justification for [the use of physical or deadly force] must be assessed in light of the circumstances at the precise moment in which defendant acted.” *State v. Burns*, 15 Or App 552, 562 (1973). Using that standard for officer discipline would preclude, or at least place in doubt, consideration of the officer’s pre-use-of-force actions that may have precipitated the use of force such as poor tactics, violations of training, poor judgment, impulsiveness or subjective animus. If that is not the intent of the Commission by proposal of this definition, it should so state.

3) Neither OAR 265-005-001 nor OAR 265-010-0015 define “excessive” or identify the standard to be used when determining whether physical force or deadly force is sufficiently “excessive” to constitute misconduct.

While one might presume that the *Graham v. Connor*, 490 US 386 (1989) “objective reasonableness standard” is the foundation for separating lawful force from excessive force, what factors are considered in the *Graham* analysis and what weight those factors are given vary from one law enforcement agency to the next. As but one example, the “relative culpability” of the parties— *i.e.*, which party created the dangerous situation and which party is more innocent— *may* be a consideration in determining the reasonableness of the force used. *Espinosa v. City & County of San Francisco*, 598 F.3d 528, 537 (9th Cir.

2010) (citing *Scott*, 550 U.S. at 384). The Commission should define “excessive” and be explicit about the factors every agency must evaluate when assessing this form of misconduct.

Respectfully,

David D. Park

Redacted

“The arc of the universe may bend toward justice, but it doesn’t bend on its own.” President Barack Obama

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From: aje=freedomtothrive.org@mg.gospringboard.io on behalf of [Je Amaechi](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Thursday, August 25, 2022 1:40:43 PM

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Dear Commission on Law Enforcement Standards of Conduct

I am a community member in Oregon who is concerned about the lack of accountability when police officers harm people.

Oregonians across our state have been harmed by police – with racist or hateful misconduct, sexual assault, violence, and death. Information about the harm caused by police is available on the ACLU of Oregon website at www.aclu-or.org.

A law passed by Oregon lawmakers in 2021 requires the state to create conduct and discipline standards for police officers across Oregon. Although the “Commission on Law Enforcement Standards of Conduct and Discipline” was formed to create these police standards, the Commission is failing to ensure that bad police officers face accountability when they harm people.

These are some examples of “standards” proposed by this Commission that I believe will not create accountability when police officers cause harm:

- If a police officer commits a sexual assault or seriously injures or kills someone with unjustified or excessive physical force, the penalty can be as low as a written reprimand.
- If a police officer engages in racism or discrimination, they can keep their job with penalties as low as a suspension, salary reduction, or demotion.
- If a police officer joins a hate group like the Oath Keepers - a group that played a central role in the January 6 attack on the U.S. Capitol - there is no consequence.

The Institute for Justice recently gave Oregon a D+ for its accountability and immunity practices, including the shield of qualified immunity. The “standards” proposed by the Commission add to the ways that bad police officers can evade responsibility for their actions. These proposed standards do not create real accountability, and they won’t keep people safe from police violence and harm.

I urge the Commission to stop proceeding with the current proposed standards. Instead, the Commission should only proceed after revising the proposed standards so that they create real accountability, not a shield from accountability, for bad police officers.

We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Je Amaechi
Redacted

Redacted

From: schung=aclu-or.org@mg.gospringboard.io on behalf of [Sandy Chung](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Thursday, August 25, 2022 12:23:43 PM

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Dear Commission on Law Enforcement Standards of Conduct

I am a community member in Oregon who is concerned about the lack of accountability when police officers harm people.

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We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Sandy Chung
Redacted

Redacted

From: traffask=oregonstate.edu@mg.gospringboard.io on behalf of [Kara Traffas](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Thursday, August 25, 2022 12:21:43 PM

***CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution.
*CAUTION EXTERNAL EMAIL***

Dear Commission on Law Enforcement Standards of Conduct

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We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Kara Traffas
Redacted

Redacted

From: kingeider@tutanota.com
To: [ORLawEnf Commission](#)
Subject: rules for LEO's
Date: Thursday, August 25, 2022 11:32:14 AM

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Among the issues I have with the proposed rules are the mitigated penalties.

Sexual assault: Mitigated penalty: Suspension without pay, salary reduction, demotion, or a written reprimand

Use of unjustified or excessive physical force that results in serious injury or death: Mitigated penalty: Suspension without pay, salary reduction, demotion, or a written reprimand

Intentionally targeting a protected class: Mitigated penalty: Suspension without pay, salary reduction or demotion

All of these are serious matters that call into question the fitness for the perpetrators being LEO's. With the high burden of proof required to enforce these violations and the Union protection that police have, the proof of these violations should result in termination in the majority of cases, suspension without pay for a significant period (6 months) for any mitigation. Salary reduction and demotion and written reprimands are only reasonable penalties for much lesser offenses than these.

In addition, there should be near termination penalties for participation in groups like 3%, Proud Boys and other racist and violent organizations. For egregious participation including posting of racial, misogynistic, or violent content, so-called jokes or memes, the penalty should be termination. For less active participation, including mere membership, examination of the fitness of the LEO should be done by qualified (non police) psychologists and suspension without pay for a minimum of one month should be the mandated penalty. Negative findings of the psychologist should be cause for termination.

In addition, the overall behavior of officers should be included as aggravating circumstances. For example, If there is a proven sexual harassment and participation in misogynist on line forums, the penalties should be enhanced. Same as for targeting a homeless individual and participation in anti homeless forums, or excess force and participation in racist forums.

You should note that the City of Springfield has had numerous misconduct lawsuits and has recently had the largest judgement in Oregon history for the murder of Stacey Kenny at the hands of the SPD. If we do a better job controlling police misconduct we can avoid unnecessary suffering and costs.

thank you for the opportunity to comment

Mike Koivula
Springfield OR

--

Sent with Tutanota, enjoy secure & ad-free emails.

From: [Peter Swallen](#)
To: [ORLawEnf Commission](#)
Cc: [Sen Dembrow](#); [Rep Pham](#)
Subject: Comment on proposed standards
Date: Thursday, August 25, 2022 8:54:06 AM

CAUTION EXTERNAL EMAIL This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL*

Hello,

I am a concerned citizen writing to express my anger at the standards for police accountability proposed by your commission. They are an absolute farce and will do nothing to keep Oregonians safe from the many serial abusers who hide behind a badge and plate carrier.

It's disgusting that the commission was allowed to be taken over by cops, cop apologists, and bootlickers. The people of Oregon deserve and demand real accountability from the people paid handsomely to allegedly "protect and serve".

Officers credibly accused of sexual assault, racism, brutality, or association with extremist groups need to be immediately terminated from their position, with no paid vacation (aka administrative leave). That is the bare minimum required to ensure actual accountability.

Do better.

Peter Swallen
Portland

Sent from my iPhone

From: [Anne Whiting](#)
To: [ORLawEnf Commission](#)
Subject: Say No to the Proposed "Standards"
Date: Wednesday, August 24, 2022 7:29:40 PM

CAUTION EXTERNAL EMAIL This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL*

Commission:

The proposed standards are outrageous. Police should be held accountable for their actions when they are sworn to protect the people. Belonging to a domestic terrorist group is the exact opposite of their duty and a slap on the wrist for sexual assault? What is this even? Cops aren't above the law. They should be examples of the law.

Refuse these proposed excuses for despicable behavior.

Sincerely,
Anne Whiting

Lifelong Oregonian

Sent from my iPhone

From: rian=visible.law@mg.gospringboard.io on behalf of [Rian Peck](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Wednesday, August 24, 2022 2:06:46 PM

***CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution.
*CAUTION EXTERNAL EMAIL***

Dear Commission on Law Enforcement Standards of Conduct

I am a community member in Oregon who is concerned about the lack of accountability when police officers harm people.

Oregonians across our state have been harmed by police – with racist or hateful misconduct, sexual assault, violence, and death. Information about the harm caused by police is available on the ACLU of Oregon website at www.aclu-or.org.

A law passed by Oregon lawmakers in 2021 requires the state to create conduct and discipline standards for police officers across Oregon. Although the “Commission on Law Enforcement Standards of Conduct and Discipline” was formed to create these police standards, the Commission is failing to ensure that bad police officers face accountability when they harm people.

These are some examples of “standards” proposed by this Commission that I believe will not create accountability when police officers cause harm:

- If a police officer commits a sexual assault or seriously injures or kills someone with unjustified or excessive physical force, the penalty can be as low as a written reprimand.
- If a police officer engages in racism or discrimination, they can keep their job with penalties as low as a suspension, salary reduction, or demotion.
- If a police officer joins a hate group like the Oath Keepers - a group that played a central role in the January 6 attack on the U.S. Capitol - there is no consequence.

The Institute for Justice recently gave Oregon a D+ for its accountability and immunity practices, including the shield of qualified immunity. The “standards” proposed by the Commission add to the ways that bad police officers can evade responsibility for their actions. These proposed standards do not create real accountability, and they won’t keep people safe from police violence and harm.

I urge the Commission to stop proceeding with the current proposed standards. Instead, the Commission should only proceed after revising the proposed standards so that they create real accountability, not a shield from accountability, for bad police officers.

We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Rian Peck
Redacted

Redacted

From: kat=kmahoneylaw.com@mg.gospringboard.io on behalf of [Kat Mahoney](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Wednesday, August 24, 2022 12:41:44 PM

***CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution.
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In solidarity,

Kat Mahoney
Redacted

Redacted

From: [Amy Iannone](#)
To: [ORLawEnf Commission](#)
Subject: Proposed standards of conduct for police officers
Date: Wednesday, August 24, 2022 12:21:37 PM

CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL

I urge the Commission to stop proceeding with the current proposed standards. Instead, the Commission should only proceed after revising the proposed standards so that they create real accountability, not a shield from accountability, for bad police officers.

Amy Iannone

From: [veronica poklemba](#)
To: [ORLawEnf Commission](#)
Subject: State Disciplinary Standards for Police
Date: Friday, August 26, 2022 8:58:28 AM

CAUTION EXTERNAL EMAIL This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL*

Hello,

I'm very concerned regarding the lack of accountability that exists in the standards currently being considered. The point of standards, in my view, is to provide clarity regarding what is and is not acceptable behavior for all involved, In this case for both police and citizens of the state of Oregon. The current proposed standards are a failure in this regard.

I will be more specific:

Joining a hate group: Hate groups are known to encourage unlawful behavior. Jan. 6 is a prime example. It should be absolutely clear that involvement with a group like this is not professional nor acceptable if you want to be a member of any police department. I believe the clarity issue is extremely important in this area.

Unjustified or excessive physical force: Allowing extremely minimal consequences as a result of this behavior sends the message that there is no real need for a change. It should not require someone's death for a police officer to expect to be fired. You have set the bar very low on this one, and continue to put the citizens of Oregon at great risk.

Sexual Misconduct: Once again, if you want police departments to be viewed as professional organizations and trusted by the public; there is a need for serious standards in this area. It needs to be clear as individuals consider becoming police officers that a high standard of behavior is expected, and hopefully in time becomes the norm. If individuals have been used to engaging in certain types of inappropriate behavior, there needs to be a clear message that this needs to change, and whatever it takes to support that change in behavior put in place. The old "boys will be boys" days are gone, and all need to get the message very clearly.

Engaging in racism or discrimination: I am putting this last not because it is less important, but because I want to share something regarding this issue that really impacted my personal view of the police. I attended a permitted environmental march in Portland in 2019. As we were walking across the Hawthorne Bridge peacefully a group of teenage boys were about 5 feet in front of me. They were not behaving in any way that was different from anyone else in the crowd. The police stepped into the crowd and took away the two black teenagers in the group. All of the white teens were left alone. The boys just went without comment or struggle, apparently used to being singled out in this way. The most the other boys did, was attempt to encircle the two boys when they saw the police (obviously aware of what was coming), but moved as the police directed. Clearly no one was willing to question the police. I didn't question either.

It is unfortunate that we have arrived at a point where people, including me, are afraid of police. I have seen some things of concern on the street and had a momentary thought of calling the police, my gut response since I grew up at a time when police were viewed as a resource and support. However, my next thought is I would not want to feel responsible if someone were hurt or even killed as a result of my call. I'm also hesitant to attend anything like a permitted march at this point, after all that has occurred with police basically attacking crowds (in my view) in the last few years; I have fears regarding what could happen.

If you want relations between the public (the citizens police exist to protect) and police to improve, creating standards of behavior that work to resolve some of the problems that have been so obvious in recent times would be a really good first step. It would also benefit police to have a very clear policy regarding acceptable behavior and consequences.

Thanks for your efforts on this issue, but I do believe you can do better.

Veronica Poklemba
Portland, Oregon

(Sadly I actually hesitated as I signed this, concerned that I could be targeted in some way. We really are at a sad time in this country.)

From: creu1853=fastmail.net@mg.gospringboard.io on behalf of [Chris Davis](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 9:06:47 AM

***CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution.
*CAUTION EXTERNAL EMAIL***

Dear Commission on Law Enforcement Standards of Conduct

I am a community member in Oregon who is concerned about the lack of accountability when police officers harm people.

Oregonians across our state have been harmed by police – with racist or hateful misconduct, sexual assault, violence, and death. Information about the harm caused by police is available on the ACLU of Oregon website at www.aclu-or.org.

A law passed by Oregon lawmakers in 2021 requires the state to create conduct and discipline standards for police officers across Oregon. Although the “Commission on Law Enforcement Standards of Conduct and Discipline” was formed to create these police standards, the Commission is failing to ensure that bad police officers face accountability when they harm people.

These are some examples of “standards” proposed by this Commission that I believe will not create accountability when police officers cause harm:

- If a police officer commits a sexual assault or seriously injures or kills someone with unjustified or excessive physical force, the penalty can be as low as a written reprimand.
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- If a police officer joins a hate group like the Oath Keepers - a group that played a central role in the January 6 attack on the U.S. Capitol - there is no consequence.

The Institute for Justice recently gave Oregon a D+ for its accountability and immunity practices, including the shield of qualified immunity. The “standards” proposed by the Commission add to the ways that bad police officers can evade responsibility for their actions. These proposed standards do not create real accountability, and they won’t keep people safe from police violence and harm.

I urge the Commission to stop proceeding with the current proposed standards. Instead, the Commission should only proceed after revising the proposed standards so that they create real accountability, not a shield from accountability, for bad police officers.

We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Chris Davis
Redacted

Redacted

From: andy=andywrightphoto.com@mg.gospringboard.io on behalf of [Andy Wright](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 9:17:43 AM

***CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution.
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In solidarity,

Andy Wright
Redacted

Redacted

From: CWOZZACK=gmx.com@mg.gospringboard.io on behalf of [Leonard Wieczorek](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 9:22:45 AM

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In solidarity,

Leonard Wieczorek
Redacted

Redacted

From: josh=plazm.com@mg.gospringboard.io on behalf of [Joshua Berger](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 9:47:44 AM

***CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution.
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In solidarity,

Joshua Berger
Redacted

Redacted

From: john=niemeyer.us@mg.gospringboard.io on behalf of [John Niemeyer](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 9:50:42 AM

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*CAUTION EXTERNAL EMAIL***

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We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

John Niemeyer
Redacted

Redacted

From: smwir=douglasfast.net@mg.gospringboard.io on behalf of [Stewart Wilson](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 9:52:41 AM

***CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution.
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We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Stewart Wilson
Redacted

Redacted

From: lostdog=mindspring.com@mg.gospringboard.io on behalf of [Larry Wang](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 10:11:44 AM

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We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Larry Wang
Redacted

Redacted

From: mail=wilperegrine.com@mg.gospringboard.io on behalf of [Wil Tietsort](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 10:17:44 AM

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In solidarity,

Wil Tietsort
Redacted

Redacted

From: [Amy McCormick](#)
To: [ORLawEnf Commission](#)
Subject: Please say NO to the proposed standards that do not hold bad police accountable.
Date: Friday, August 26, 2022 10:29:46 AM

CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL

Good morning, my name is Amy McCormick. I am an educator and social worker living in a rural area outside of Eugene. I work in the public schools as well as in the community with families who are experiencing barriers to accessing care and services. I am concerned about the lack of accountability when police officers harm people.

Oregonians across our state have been harmed by police – with racist or hateful misconduct, sexual assault, violence, and death. Information about the harm caused by police is available on the ACLU of Oregon website at www.aclu-or.org.

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The Institute for Justice recently gave Oregon a D+ for its accountability and immunity practices, including the shield of qualified immunity. The

“standards” proposed by the Commission add to the ways that bad police officers can evade responsibility for their actions. These proposed standards do not create real accountability, and they won’t keep people safe from police violence and harm.

I urge the Commission to stop proceeding with the current proposed standards. Instead, the Commission should only proceed after revising the proposed standards so that they create real accountability, not a shield from accountability, for bad police officers.

On a personal note, I see the effects that racist and sexist police officers have on people every day. Please work to set the highest levels of accountability, something that we can be proud of us Oregonians. We need to be protecting our most vulnerable citizens. Thank you for your efforts!

Best,

Amy McCormick

From: jcliff=efn.org@mg.gospringboard.io on behalf of [Joseph Clifford](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 10:52:44 AM

***CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution.
*CAUTION EXTERNAL EMAIL***

Dear Commission on Law Enforcement Standards of Conduct

I am a community member in Oregon who is concerned about the lack of accountability when police officers harm people.

Oregonians across our state have been harmed by police – with racist or hateful misconduct, sexual assault, violence, and death. Information about the harm caused by police is available on the ACLU of Oregon website at www.aclu-or.org.

A law passed by Oregon lawmakers in 2021 requires the state to create conduct and discipline standards for police officers across Oregon. Although the “Commission on Law Enforcement Standards of Conduct and Discipline” was formed to create these police standards, the Commission is failing to ensure that bad police officers face accountability when they harm people.

These are some examples of “standards” proposed by this Commission that I believe will not create accountability when police officers cause harm:

- If a police officer commits a sexual assault or seriously injures or kills someone with unjustified or excessive physical force, the penalty can be as low as a written reprimand.
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I urge the Commission to stop proceeding with the current proposed standards. Instead, the Commission should only proceed after revising the proposed standards so that they create real accountability, not a shield from accountability, for bad police officers.

We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Joseph Clifford
Redacted

Redacted

From: dave=mindflare.com@mg.gospringboard.io on behalf of [David Lennert](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 10:59:46 AM

***CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution.
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We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

David Lennert
Redacted

Redacted

From: violet=peak.org@mg.gospringboard.io on behalf of [Violet Young](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 11:17:43 AM

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We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Violet Young
Redacted

Redacted

From: morse=mind.net@mg.gospringboard.io on behalf of [Robert Morse](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 11:18:42 AM

***CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution.
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Dear Commission on Law Enforcement Standards of Conduct

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We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Robert Morse
Redacted

Redacted

From: [Daniel Clark](#)
To: [ORLawEnf Commission](#)
Subject: Proposed Standards for Police Training and Discipline Are Unacceptable
Date: Friday, August 26, 2022 11:19:26 AM

CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL

These proposed standards are sickening. They change absolutely nothing for police accountability. In this nation we have checks and balances to help ensure that no one in power abuses that power and to ensure that everyone is held accountable as a citizen of this country, just like everyone else who is not in a position of power. The same needs to happen with police.

(absolutely not excluding Portland PD
and all other departments in the state of Oregon)

sexual assault, physical assault and battery (NO MATTER IF THEY DO NOT HAVE A JUSTIFIED REASONING), perjury, hate crimes, discrimination, destruction of private property, threats of serious physical violence (including to kill someone with a deadly weapon - often for not sitting down, for continuing to run, and for doing other things while actually unarmed and not threatening a police officer's or other's life or wellbeing), tampering with or falsifying evidence, criminal obstruction, and theft, among many others. How is anyone supposed to trust the police as people in power if all across this country there are police (absolutely not excluding Portland PD and all other departments in the state of Oregon) who receive no punishment because people are too afraid or hopeless to come forward to make claims against them, police who are investigated for these criminal acts while being placed on a PAID suspension and NOT placed in jail with bail (whereas other citizens would be placed in jail with bail to pay AND lose their jobs), and police who are covered up by their fellow officers and heads of their departments because they have views that align with the anti-Democratic, anti-civil-liberties ideology shown in memes and text discovered in the Portland PD PowerPoint presentation as well as by hate groups they are allowed to join, such as the Oath Keepers? The police have no accountability. This is a democratic republic, not a fascist or totalitarian state. Those in power are to abide to that as citizens of the United States of America (and if they do not like it then they can go to another country).

The proposed standards by this committee meant to ensure that police in the state of Oregon are held accountable are pitiful. A written reprimand or continuing paid suspension without any discipline beyond that will not hold police accountable for criminal acts. Being a police officer is a job that someone holds just like others who work in any other professions. As children people say they want to have certain jobs when they grow up, including being a police officer. As adults who want to be police officers, people apply for the job, interview for the job, go through background checks for the job, work assigned shifts when hired for the job, get paid for doing the job, have a supervisor overseeing their job, the right to be fired from the job, and the right to quit from the job - just like any other job out there. "Police Officer" is the same as "Fire Fighter," "Bank Teller," "Mechanic," "Video Game Graphics Artist," "Cook," "Server," "Nurse," etc. It is a job title given to someone who is hired for a specific job that they have applied for. Also, in order to acquire and hold a job, people are required to either be citizens or have a work visa, which means they are expected to follow all the laws of the city, county, state, and federal government, and to be disciplined for not following those laws. Having the job title "Police Officer" or "Sheriff's Deputy" or "State Trouper" or any other related career of choice does not place one above being a citizen of this country who needs to follow the laws and be held accountable when they do not. The excuse that police put themselves in the line of danger as part of their job is not valid. Fire fighters, soldiers, large mechanical equipment operators in factories and construction sites, nurses and doctors in unsafe ERs, and many other people put their safety and lives on the line for their jobs. Yet, they do not get the same treatment as police when it comes to holding them accountable if they were to commit a criminal act. They are arrested, taken to jail, have a trial, most likely lose their job, have legal fees to pay along with bail if they can afford it and wish to not be stuck in jail during the trial, receive a conviction based off of clear evidence and an external investigation and jury, and serve out their punishment in whatever way is deemed fit for the crime by a judge without bias towards their career choice. All of this occurs regardless of job title/career choice, and the same needs to occur for police. Just because someone chooses a specific career path should not disqualify them from being held accountable through discipline for criminal acts the same way as every other citizen of this country, if not in a more strict manner when it is a position of power. Police are not above the law.

—
Daniel Clark
Tigard, OR

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Best Regards,

Daniel Clark

From: neilf=efn.org@mg.gospringboard.io on behalf of [Neil Friedman](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 11:38:43 AM

***CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution.
*CAUTION EXTERNAL EMAIL***

Dear Commission on Law Enforcement Standards of Conduct

I am a community member in Oregon who is concerned about the lack of accountability when police officers harm people.

Oregonians across our state have been harmed by police – with racist or hateful misconduct, sexual assault, violence, and death. Information about the harm caused by police is available on the ACLU of Oregon website at www.aclu-or.org.

A law passed by Oregon lawmakers in 2021 requires the state to create conduct and discipline standards for police officers across Oregon. Although the “Commission on Law Enforcement Standards of Conduct and Discipline” was formed to create these police standards, the Commission is failing to ensure that bad police officers face accountability when they harm people.

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- If a police officer joins a hate group like the Oath Keepers - a group that played a central role in the January 6 attack on the U.S. Capitol - there is no consequence.

The Institute for Justice recently gave Oregon a D+ for its accountability and immunity practices, including the shield of qualified immunity. The “standards” proposed by the Commission add to the ways that bad police officers can evade responsibility for their actions. These proposed standards do not create real accountability, and they won’t keep people safe from police violence and harm.

I urge the Commission to stop proceeding with the current proposed standards. Instead, the Commission should only proceed after revising the proposed standards so that they create real accountability, not a shield from accountability, for bad police officers.

We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Neil Friedman
Redacted

Redacted

From: gretchen=frogtraffic.com@mg.gospringboard.io on behalf of [Gretchen Miner](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 11:38:43 AM

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We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Gretchen Miner
Redacted

Redacted

From: au=maryemerson.org@mg.gospringboard.io on behalf of [Au Nguyen](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 11:44:41 AM

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We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Au Nguyen
Redacted

Redacted

From: turkeytales=efn.org@mg.gospringboard.io on behalf of [Julia Rush](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 12:19:43 PM

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We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Julia Rush
Redacted

Redacted

From: billynn=hevanet.com@mg.gospringboard.io on behalf of [Alice Lynn](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 12:45:42 PM

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*CAUTION EXTERNAL EMAIL***

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We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Alice Lynn
Redacted

Redacted

From: carrie=ology.org@mg.gospringboard.io on behalf of [Carrie Tilton-Jones](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 12:47:42 PM

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Dear Commission on Law Enforcement Standards of Conduct

I am a community member in Oregon who is concerned about the lack of accountability when police officers harm people.

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We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Carrie Tilton-Jones
Redacted

Redacted

From: charmain=peak.org@mg.gospringboard.io on behalf of [William Koch](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 2:47:44 PM

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In solidarity,

William Koch
Redacted

Redacted

From: tenwa=jps.net@mg.gospringboard.io on behalf of [Nancy Cushwa](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 3:55:44 PM

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I urge the Commission to stop proceeding with the current proposed standards. Instead, the Commission should only proceed after revising the proposed standards so that they create real accountability, not a shield from accountability, for bad police officers.

We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Nancy Cushwa
Redacted

Redacted

From: notimportant=fastmail.fm@mg.gospringboard.io on behalf of [Alex Censor](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 4:44:44 PM

***CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution.
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Dear Commission on Law Enforcement Standards of Conduct

I am a community member in Oregon who is concerned about the lack of accountability when police officers harm people.

Oregonians across our state have been harmed by police – with racist or hateful misconduct, sexual assault, violence, and death. Information about the harm caused by police is available on the ACLU of Oregon website at www.aclu-or.org.

A law passed by Oregon lawmakers in 2021 requires the state to create conduct and discipline standards for police officers across Oregon. Although the “Commission on Law Enforcement Standards of Conduct and Discipline” was formed to create these police standards, the Commission is failing to ensure that bad police officers face accountability when they harm people.

These are some examples of “standards” proposed by this Commission that I believe will not create accountability when police officers cause harm:

- If a police officer commits a sexual assault or seriously injures or kills someone with unjustified or excessive physical force, the penalty can be as low as a written reprimand.
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In solidarity,

Alex Censor
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From: dan=stahlke.org@mg.gospringboard.io on behalf of [Dan Stahlke](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 5:43:43 PM

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Redacted

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From: mfbuckley=sbcglobal.net@mg.gospringboard.io on behalf of [Mary Buckley](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
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Mary Buckley
Redacted

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From: ptabb=hevanet.com@mg.gospringboard.io on behalf of [Theresa Sumoge](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 7:25:44 PM

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Theresa Sumoge
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From: the_moores00@hotmail.com@mg.gospringboard.io on behalf of [Cheryl Moore](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 9:12:44 PM

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Cheryl Moore
Redacted

Redacted

From: [Kathleen Draine](#)
To: [ORLawEnf Commission](#)
Subject: Against proposed standards --
Date: Saturday, August 27, 2022 8:52:36 AM

CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL

I urge you to say NO to the proposed standards because they do not keep bad cops accountable.

When a cop 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.

Under current law, cops don't have a legal responsibility to protect people, and when bad cops sexually assault, injure, or kill people, they can use qualified immunity to evade responsibility for their actions. That is NOT acceptable.

Oregon lawmakers tried to create some accountability by requiring common police standards across Oregon. Instead you appear to be going in the opposite direction by crafting more rules to shield bad cops.

Stop shielding bad cops who commit racism, hate, sexual assault, or violence against our communities.

Kathleen Draine
Sandy, OR

From: [Kurt Brocker](#)
To: [ORLawEnf Commission](#)
Subject: NO to recommendations and restart the process letting communities impacted by police bias lead.
Date: Saturday, August 27, 2022 11:00:41 AM

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Commission on Law Enforcement Standards of Conduct and Discipline:

The current system already shields police officers. Under current law, police officers don't have a legal responsibility to protect people, and when bad cops sexually assault, injure, or kill people, they are allowed to use a legal maneuver called qualified immunity to evade responsibility for their actions. Although community members tried to create some accountability by asking lawmakers to require common police standards across Oregon, the process is being co-opted to create more rules to shield bad cops.

The Commission has a responsibility to say NO to the proposed standards because they do not keep police officers accountable. When an 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, they should be fired. Please stop shielding police officers who commit racism, hate, sexual assault, or violence against our communities. The commission has a responsibility to fight police racism, hate, sexual assault, and violence.

I urge you to vote NO on recommendations and let those impacted by discriminatory policing practices lead a new process.

Kurt Brocker
Bend, Oregon

From: [zak bhame](#)
To: [ORLawEnf Commission](#)
Subject: Stricter punishment for police
Date: Saturday, August 27, 2022 11:27:39 AM

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Standards are way too lax and should not be codified as currently written.
Stricter punishment for heinous crimes. Police should be held to a high standard than citizens,
not less than.

From: donangelo=spiritualadventurer.com@mg.gospringboard.io on behalf of [Donald Schuman](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Saturday, August 27, 2022 3:45:43 PM

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We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

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The Commission has a responsibility to say NO to the proposed standards because they do not keep police officers accountable. When an 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, they should be fired. Please stop shielding police officers who commit racism, hate, sexual assault, or violence against our communities. The commission has a responsibility to fight police racism, hate, sexual assault, and violence.

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From: the_moores00@hotmail.com@mg.gospringboard.io on behalf of [Cheryl Moore](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
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Oregonians across our state have been harmed by police – with racist or hateful misconduct, sexual assault, violence, and death. Information about the harm caused by police is available on the ACLU of Oregon website at www.aclu-or.org.

A law passed by Oregon lawmakers in 2021 requires the state to create conduct and discipline standards for police officers across Oregon. Although the “Commission on Law Enforcement Standards of Conduct and Discipline” was formed to create these police standards, the Commission is failing to ensure that bad police officers face accountability when they harm people.

These are some examples of “standards” proposed by this Commission that I believe will not create accountability when police officers cause harm:

- If a police officer commits a sexual assault or seriously injures or kills someone with unjustified or excessive physical force, the penalty can be as low as a written reprimand.
- If a police officer engages in racism or discrimination, they can keep their job with penalties as low as a suspension, salary reduction, or demotion.
- If a police officer joins a hate group like the Oath Keepers - a group that played a central role in the January 6 attack on the U.S. Capitol - there is no consequence.

The Institute for Justice recently gave Oregon a D+ for its accountability and immunity practices, including the shield of qualified immunity. The “standards” proposed by the Commission add to the ways that bad police officers can evade responsibility for their actions. These proposed standards do not create real accountability, and they won’t keep people safe from police violence and harm.

I urge the Commission to stop proceeding with the current proposed standards. Instead, the Commission should only proceed after revising the proposed standards so that they create real accountability, not a shield from accountability, for bad police officers.

We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Alex Censor
Redacted

Redacted

From: tenwa=jps.net@mg.gospringboard.io on behalf of [Nancy Cushwa](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 3:55:44 PM

***CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution.
*CAUTION EXTERNAL EMAIL***

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I am a community member in Oregon who is concerned about the lack of accountability when police officers harm people.

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We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Nancy Cushwa
Redacted

Redacted

From: charmain=peak.org@mg.gospringboard.io on behalf of [William Koch](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 2:47:44 PM

***CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution.
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In solidarity,

William Koch
Redacted

Redacted

From: carrie=ology.org@mg.gospringboard.io on behalf of [Carrie Tilton-Jones](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 12:47:42 PM

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In solidarity,

Carrie Tilton-Jones
Redacted

Redacted

From: billynn=hevanet.com@mg.gospringboard.io on behalf of [Alice Lynn](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 12:45:42 PM

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In solidarity,

Alice Lynn
Redacted

Redacted

From: turkeytales=efn.org@mg.gospringboard.io on behalf of [Julia Rush](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 12:19:43 PM

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In solidarity,

Julia Rush
Redacted

Redacted

From: au=maryemerson.org@mg.gospringboard.io on behalf of [Au Nguyen](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 11:44:41 AM

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We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Au Nguyen
Redacted

Redacted

From: gretchen=frogtraffic.com@mg.gospringboard.io on behalf of [Gretchen Miner](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 11:38:43 AM

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In solidarity,

Gretchen Miner
Redacted

Redacted

From: neilf=efn.org@mg.gospringboard.io on behalf of [Neil Friedman](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 11:38:43 AM

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In solidarity,

Neil Friedman
Redacted

Redacted

From: [Daniel Clark](#)
To: [ORLawEnf Commission](#)
Subject: Proposed Standards for Police Training and Discipline Are Unacceptable
Date: Friday, August 26, 2022 11:19:26 AM

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These proposed standards are sickening. They change absolutely nothing for police accountability. In this nation we have checks and balances to help ensure that no one in power abuses that power and to ensure that everyone is held accountable as a citizen of this country, just like everyone else who is not in a position of power. The same needs to happen with police.

(absolutely not excluding Portland PD
and all other departments in the state of Oregon)

sexual assault, physical assault and battery (NO MATTER IF THEY DO NOT HAVE A JUSTIFIED REASONING), perjury, hate crimes, discrimination, destruction of private property, threats of serious physical violence (including to kill someone with a deadly weapon - often for not sitting down, for continuing to run, and for doing other things while actually unarmed and not threatening a police officer's or other's life or wellbeing), tampering with or falsifying evidence, criminal obstruction, and theft, among many others. How is anyone supposed to trust the police as people in power if all across this country there are police (absolutely not excluding Portland PD and all other departments in the state of Oregon) who receive no punishment because people are too afraid or hopeless to come forward to make claims against them, police who are investigated for these criminal acts while being placed on a PAID suspension and NOT placed in jail with bail (whereas other citizens would be placed in jail with bail to pay AND lose their jobs), and police who are covered up by their fellow officers and heads of their departments because they have views that align with the anti-Democratic, anti-civil-liberties ideology shown in memes and text discovered in the Portland PD PowerPoint presentation as well as by hate groups they are allowed to join, such as the Oath Keepers? The police have no accountability. This is a democratic republic, not a fascist or totalitarian state. Those in power are to abide to that as citizens of the United States of America (and if they do not like it then they can go to another country).

The proposed standards by this committee meant to ensure that police in the state of Oregon are held accountable are pitiful. A written reprimand or continuing paid suspension without any discipline beyond that will not hold police accountable for criminal acts. Being a police officer is a job that someone holds just like others who work in any other professions. As children people say they want to have certain jobs when they grow up, including being a police officer. As adults who want to be police officers, people apply for the job, interview for the job, go through background checks for the job, work assigned shifts when hired for the job, get paid for doing the job, have a supervisor overseeing their job, the right to be fired from the job, and the right to quit from the job - just like any other job out there. "Police Officer" is the same as "Fire Fighter," "Bank Teller," "Mechanic," "Video Game Graphics Artist," "Cook," "Server," "Nurse," etc. It is a job title given to someone who is hired for a specific job that they have applied for. Also, in order to acquire and hold a job, people are required to either be citizens or have a work visa, which means they are expected to follow all the laws of the city, county, state, and federal government, and to be disciplined for not following those laws. Having the job title "Police Officer" or "Sheriff's Deputy" or "State Trouper" or any other related career of choice does not place one above being a citizen of this country who needs to follow the laws and be held accountable when they do not. The excuse that police put themselves in the line of danger as part of their job is not valid. Fire fighters, soldiers, large mechanical equipment operators in factories and construction sites, nurses and doctors in unsafe ERs, and many other people put their safety and lives on the line for their jobs. Yet, they do not get the same treatment as police when it comes to holding them accountable if they were to commit a criminal act. They are arrested, taken to jail, have a trial, most likely lose their job, have legal fees to pay along with bail if they can afford it and wish to not be stuck in jail during the trial, receive a conviction based off of clear evidence and an external investigation and jury, and serve out their punishment in whatever way is deemed fit for the crime by a judge without bias towards their career choice. All of this occurs regardless of job title/career choice, and the same needs to occur for police. Just because someone chooses a specific career path should not disqualify them from being held accountable through discipline for criminal acts the same way as every other citizen of this country, if not in a more strict manner when it is a position of power. Police are not above the law.

—
Daniel Clark
Tigard, OR

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Best Regards,

Daniel Clark

From: morse=mind.net@mg.gospringboard.io on behalf of [Robert Morse](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 11:18:42 AM

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Dear Commission on Law Enforcement Standards of Conduct

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I urge the Commission to stop proceeding with the current proposed standards. Instead, the Commission should only proceed after revising the proposed standards so that they create real accountability, not a shield from accountability, for bad police officers.

We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Robert Morse
Redacted

Redacted

From: violet=peak.org@mg.gospringboard.io on behalf of [Violet Young](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 11:17:43 AM

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We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Violet Young
Redacted

Redacted

From: dave=mindflare.com@mg.gospringboard.io on behalf of [David Lennert](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 10:59:46 AM

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In solidarity,

David Lennert
Redacted

Redacted

From: jcliff=efn.org@mg.gospringboard.io on behalf of [Joseph Clifford](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 10:52:44 AM

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- If a police officer commits a sexual assault or seriously injures or kills someone with unjustified or excessive physical force, the penalty can be as low as a written reprimand.
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- If a police officer joins a hate group like the Oath Keepers - a group that played a central role in the January 6 attack on the U.S. Capitol - there is no consequence.

The Institute for Justice recently gave Oregon a D+ for its accountability and immunity practices, including the shield of qualified immunity. The “standards” proposed by the Commission add to the ways that bad police officers can evade responsibility for their actions. These proposed standards do not create real accountability, and they won’t keep people safe from police violence and harm.

I urge the Commission to stop proceeding with the current proposed standards. Instead, the Commission should only proceed after revising the proposed standards so that they create real accountability, not a shield from accountability, for bad police officers.

We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Joseph Clifford
Redacted

Redacted

From: [Amy McCormick](#)
To: [ORLawEnf Commission](#)
Subject: Please say NO to the proposed standards that do not hold bad police accountable.
Date: Friday, August 26, 2022 10:29:46 AM

CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL

Good morning, my name is Amy McCormick. I am an educator and social worker living in a rural area outside of Eugene. I work in the public schools as well as in the community with families who are experiencing barriers to accessing care and services. I am concerned about the lack of accountability when police officers harm people.

Oregonians across our state have been harmed by police – with racist or hateful misconduct, sexual assault, violence, and death. Information about the harm caused by police is available on the ACLU of Oregon website at www.aclu-or.org.

A law passed by Oregon lawmakers in 2021 requires the state to create conduct and discipline standards for police officers across Oregon. Although the “Commission on Law Enforcement Standards of Conduct and Discipline” was formed to create these police standards, the Commission is failing to ensure that bad police officers face accountability when they harm people.

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On a personal note, I see the effects that racist and sexist police officers have on people every day. Please work to set the highest levels of accountability, something that we can be proud of us Oregonians. We need to be protecting our most vulnerable citizens. Thank you for your efforts!

Best,

Amy McCormick

From: mail=wilperegrine.com@mg.gospringboard.io on behalf of [Wil Tietsort](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 10:17:44 AM

***CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution.
*CAUTION EXTERNAL EMAIL***

Dear Commission on Law Enforcement Standards of Conduct

I am a community member in Oregon who is concerned about the lack of accountability when police officers harm people.

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We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Wil Tietsort
Redacted

Redacted

From: lostdog=mindspring.com@mg.gospringboard.io on behalf of [Larry Wang](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 10:11:44 AM

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In solidarity,

Larry Wang
Redacted

Redacted

From: smwir=douglasfast.net@mg.gospringboard.io on behalf of [Stewart Wilson](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 9:52:41 AM

***CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution.
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In solidarity,

Stewart Wilson
Redacted

Redacted

From: john=niemeyer.us@mg.gospringboard.io on behalf of [John Niemeyer](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 9:50:42 AM

***CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution.
*CAUTION EXTERNAL EMAIL***

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We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

John Niemeyer
Redacted

Redacted

From: josh=plazm.com@mg.gospringboard.io on behalf of [Joshua Berger](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 9:47:44 AM

***CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution.
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We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Joshua Berger
Redacted

Redacted

From: CWOZZACK=gmx.com@mg.gospringboard.io on behalf of [Leonard Wieczorek](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 9:22:45 AM

***CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution.
*CAUTION EXTERNAL EMAIL***

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In solidarity,

Leonard Wieczorek
Redacted

Redacted

From: andy=andywrightphoto.com@mg.gospringboard.io on behalf of [Andy Wright](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 9:17:43 AM

***CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution.
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We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Andy Wright
Redacted

Redacted

From: creu1853=fastmail.net@mg.gospringboard.io on behalf of [Chris Davis](#)
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Date: Friday, August 26, 2022 9:06:47 AM

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*CAUTION EXTERNAL EMAIL***

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In solidarity,

Chris Davis
Redacted

Redacted

From: [veronica poklemba](#)
To: [ORLawEnf Commission](#)
Subject: State Disciplinary Standards for Police
Date: Friday, August 26, 2022 8:58:28 AM

CAUTION EXTERNAL EMAIL This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL*

Hello,

I'm very concerned regarding the lack of accountability that exists in the standards currently being considered. The point of standards, in my view, is to provide clarity regarding what is and is not acceptable behavior for all involved, in this case for both police and citizens of the state of Oregon. The current proposed standards are a failure in this regard.

I will be more specific:

Joining a hate group: Hate groups are known to encourage unlawful behavior. Jan. 6 is a prime example. It should be absolutely clear that involvement with a group like this is not professional nor acceptable if you want to be a member of any police department. I believe the clarity issue is extremely important in this area.

Unjustified or excessive physical force: Allowing extremely minimal consequences as a result of this behavior sends the message that there is no real need for a change. It should not require someone's death for a police officer to expect to be fired. You have set the bar very low on this one, and continue to put the citizens of Oregon at great risk.

Sexual Misconduct: Once again, if you want police departments to be viewed as professional organizations and trusted by the public; there is a need for serious standards in this area. It needs to be clear as individuals consider becoming police officers that a high standard of behavior is expected, and hopefully in time becomes the norm. If individuals have been used to engaging in certain types of inappropriate behavior, there needs to be a clear message that this needs to change, and whatever it takes to support that change in behavior put in place. The old "boys will be boys" days are gone, and all need to get the message very clearly.

Engaging in racism or discrimination: I am putting this last not because it is less important, but because I want to share something regarding this issue that really impacted my personal view of the police. I attended a permitted environmental march in Portland in 2019. As we were walking across the Hawthorne Bridge peacefully a group of teenage boys were about 5 feet in front of me. They were not behaving in any way that was different from anyone else in the crowd. The police stepped into the crowd and took away the two black teenagers in the group. All of the white teens were left alone. The boys just went without comment or struggle, apparently used to being singled out in this way. The most the other boys did, was attempt to encircle the two boys when they saw the police (obviously aware of what was coming), but moved as the police directed. Clearly no one was willing to question the police. I didn't question either.

It is unfortunate that we have arrived at a point where people, including me, are afraid of police. I have seen some things of concern on the street and had a momentary thought of calling the police, my gut response since I grew up at a time when police were viewed as a resource and support. However, my next thought is I would not want to feel responsible if someone were hurt or even killed as a result of my call. I'm also hesitant to attend anything like a permitted march at this point, after all that has occurred with police basically attacking crowds (in my view) in the last few years; I have fears regarding what could happen.

If you want relations between the public (the citizens police exist to protect) and police to improve, creating standards of behavior that work to resolve some of the problems that have been so obvious in recent times would be a really good first step. It would also benefit police to have a very clear policy regarding acceptable behavior and consequences.

Thanks for your efforts on this issue, but I do believe you can do better.

Veronica Poklemba
Portland, Oregon

(Sadly I actually hesitated as I signed this, concerned that I could be targeted in some way. We really are at a sad time in this country.)

Archived: Tuesday, September 6, 2022 11:42:26 AM

From: [Mike Farrell](#)

Mail received time: Mon, 29 Aug 2022 17:45:21

Sent: Mon, 29 Aug 2022 17:46:14

To: [ORLawEnf Commission](#)

Subject: NO to proposed standards of police accountability

Importance: Normal

Sensitivity: None

CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL

In 2021 we passed a law to create conduct and discipline standards for police officers. This was seen as a real opportunity for police accountability. This came on the tails of over 100 days of protests in Portland about police brutality and accountability.

The standards being proposed do none of those things. How can it be acceptable for police to commit a sexual assault, engage in racism or join a hate group. These should be bear minimum of fireable offenses.

These proposals only serve to insulate and protect police from any accountability. They allow police to violate citizens rights without any consequences. Is this really what we want?

We want the people that we claim protect the laws of this country to not be beholden to the laws of this country.

It is really gross that anybody should be able to write that they should be allowed to sexually assault someone and that it is ok.

You need to reject and vote NO on these proposed standards.

Thank you
Mike Farrell

Archived: Tuesday, September 6, 2022 11:46:21 AM

From: georgi=rockisland.com@mg.gospringboard.io

Mail received time: Tue, 30 Aug 2022 13:41:44

Sent: Message

To: [ORLawEnf Commission](#)

Subject: Unchecked police misconduct & violence harms people in our communities

Importance: Normal

Sensitivity: None

CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL

Dear Commission on Law Enforcement Standards of Conduct

I am a community member in Oregon who is concerned about the lack of accountability when police officers harm people.

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I urge the Commission to stop proceeding with the current proposed standards. Instead, the Commission should only proceed after revising the proposed standards so that they create real accountability, not a shield from accountability, for bad police officers.

We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Georgi Ann Coquereau

Redacted

From: [Portland Copwatch](#)

Mail received time: Tue, 30 Aug 2022 20:17:51

Sent: Tue, 30 Aug 2022 13:17:36

To: [ORLawEnf Commission](#)

Cc: [Portland Copwatch](#)

Subject: TESTIMONY on state discipline standards from Portland Copwatch

Importance: Normal

Sensitivity: None

Archived: Tuesday, September 6, 2022 12:22:11 PM

CAUTION EXTERNAL EMAIL This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL*

To the Commission on Statewide Law Enforcement Standards of Conduct and Discipline:

Our organization, Portland Copwatch, has been promoting police accountability through civilian action since 1992. We appreciate the ability to testify and hope that you will make changes based on our testimony and others you will hear from the community.

First, we want to acknowledge that Mr. Schuback and Mr. Karia, who were on opposite sides of the bargaining table in Portland, seem to have brought many of the values imbued in Portland's new discipline guide to the table.

That said, unlike the proposed statewide standards, Portland's guide explicitly lists termination as the presumptive discipline, with little ability for mitigation, for these violations of policy:

- felony crime conviction or felonious misconduct
- domestic violence
- criminal conviction of a crime that is a DPSST certification disqualifying crime
- untruthfulness
- public corruption for monetary gain
- intentional misuse of police authority based on protected class or status
- out-of-policy use of deadly force or significant policy violation of the confrontation management performance policy during use of deadly force.

The state's guidelines flesh out the ideas of felonious crimes and misconduct by listing sexual assault, assault and assault without justification, stalking (which is a felony upon repeat offense), bias or hate crimes, and sex crimes.

The state also includes the other categories of domestic violence, untruthfulness, and public corruption. However, for each of these rules the state is allowing mitigating factors to take the discipline all the way down to written reprimands for any of these harmful acts. This is

not acceptable for these levels of misconduct. Any of the categories not presumed to lead to termination in Portland have a presumptive discipline of 120 hours suspension without pay, aggravated discipline of termination, and mitigated discipline of 80 hours without pay. The state should follow suit, even if demotion and salary reduction are also included as options.

We're very interested to see that Portland's entire list of aggravating and mitigating factors were reproduced in the Commission's draft, along with new added aggravating factors of:

- +Prior disciplinary history
- +Failed to de-escalate encounter when feasible
- +Low probability or limited potential for rehabilitation
- +Nature of event allowed for time to reflect
- +Victim's vulnerability
- +Presence of training or experience

The state is also proposing mitigating factors of:

- +Role of officer (subordinate to supervisor)
- +Attempts to de-escalate
- +Potential for rehabilitation
- +Nature of event was unpredictable, volatile or unfolded rapidly
- +Extraordinary circumstances or hardships
- +Lack of training or experience

Some of these mitigating factors cause us great concern and can be categorized as "nobody said I couldn't." The administrative and criminal actions listed in this report should be common-sense things that an officer knows is wrong. The fact that an officer is a subordinate does not excuse their committing violations of human rights, a principle established at Nuremberg ("I was just following orders" is not an excuse).

Furthermore, the issue of police officers deliberately targeting people due to a protected class or status-- race, ethnicity, gender identity, sexual orientation, religion or housing status-- needs special attention.

It is very good that officers violating policies about biased policing cannot get off with just a letter of reprimand. However, the use of the word "solely" to describe the reason an officer took certain actions is an unacceptable get-out-of-discipline-free card. The officer can say "I didn't like the car they were driving, and also they were Black" and not be punished. The phrase "solely or primarily" is used elsewhere to determine violations here and should be used in these rules.

We are not opposed to people who use drugs or alcohol recreationally but do agree that officers who carry weapons, drive vehicles and interact with the public should not consume or be under the influence of mind-altering intoxicants at work. It is interesting that the use of drugs or alcohol while on duty also, like bias in policing, does not allow for a written reprimand in the proposed rules. This reinforces our concern from above that written reprimands should not be used for those other serious violations.

The discipline for impairment, however, does allow for written reprimand, and it's not clear why.

It is also interesting that the Commission is heavily dominated by male or male-presenting members and that the discipline for sexual harassment (rather than assault) is presumptively less than termination. While it is true sometimes men are the subjects of sexual harassment, it seems that the issue is not being taken seriously by the Commission, perhaps because of implicit gender bias. Ironically.

It is not 100% clear to us whether some of the statewide factors (including the aggravating factors to consider) will be implemented in Portland while the current collective bargaining agreement is in effect until 2025. Regardless, we hope that the Commission will take our advice and improve these guidelines for the good of everyone in the state. We don't want to have to come back in two years with the same comments as the current contract is getting ready to expire.

We are also very interested in the rule that is being proposed around arbitration. It seems as if the rule will require arbitrators to return cases to jurisdictions if there are multiple allegations and they disagree that there was misconduct in just one of them, allowing the jurisdiction to set the new level of discipline. If that is the intent of this rule, Portland Copwatch supports it.

Finally, we want to recognize that a large number of people on the Commission are either from law enforcement or work for law enforcement in some way. We would have liked to see a more balanced makeup of the Commission, but acknowledge that some of the proposed rules will rankle some officers. On the other hand, we want to acknowledge that many times when officers in Portland lie, cheat, steal or engage in sexual misconduct, the Portland Police Association does not help those officers fight to retain their jobs, which shows a level of integrity. We only hope that the unprovoked, unwarranted and sometimes deadly use of force leads to more instances where the community and law enforcement can agree "this cop should not be on the force any more."

Thank you
dan handelman
and other members of
portland copwatch

Archived: Tuesday, September 6, 2022 2:41:44 PM

From: [Marc Poris](#)

Mail received time: Tue, 30 Aug 2022 21:33:12

Sent: Tue, 30 Aug 2022 14:32:56

To: [ORLawEnf Commission](#)

Subject: Re: Commissioners' Biographies

Importance: Normal

Sensitivity: None

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Thank you!

Will the recording of today's session be made available for the public before Thursday?

Barbara Kenny's testimony was quite powerful and I hope that others will be able to see it for themselves.

I am glad she was able to testify and I agree with her point that family of loved ones affected by police violence should also have a seat at the table on commissions that influence how law enforcement operates in Oregon.

Thanks again,

Marc

On Tue, Aug 30, 2022 at 1:48 PM ORLawEnf Commission <ORLawEnfCommission@doj.state.or.us> wrote:

Hello,

We currently have 4 requests to testify on September 1st.

Toni Kemple

Paralegal

From: Marc Poris <marc.poris@gmail.com>

Sent: Tuesday, August 30, 2022 1:37 PM

To: ORLawEnf Commission <ORLawEnfCommission@doj.state.or.us>

Subject: Re: Commissioners' Biographies

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Thank you -- I appreciate it!

Are you able to share how many people are currently signed up to testify on Thursday at the Portland hearing?

Thanks again,

Marc

On Tue, Aug 30, 2022 at 1:03 PM Marc Poris <marc.poris@gmail.com> wrote:

Hello Ms. Kemple,

I am on the Zoom and would be happy to say a few words of testimony seeing as how nobody else has signed up.

Marc Poris

Portland, OR

On Mon, Aug 29, 2022 at 9:52 AM ORLawEnf Commission <ORLawEnfCommission@doj.state.or.us> wrote:

Good Morning,

Your email address has been added to the Notification email list. You should be able to see the both of the NPRMs on the website please let me know if you still have problems.

Thank you for catching the typo. That information has been passed on to the commission.

Toni Kemple

Paralegal

From: Marc Poris <marc.poris@gmail.com>

Sent: Friday, August 26, 2022 6:09 PM

To: ORLawEnf Commission <ORLawEnfCommission@doj.state.or.us>

Subject: Re: Commissioners' Biographies

*** CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL***

Hello again Mr. Boss,

If there is an email list of people interested in following the Commission's work, could you please add me with my marc.poris@gmail.com address?

And a couple comments:

- I am unable to read the "Notice of Proposed Rulemaking/Statement of Need and Fiscal Impact" document as clicking the link takes me to a "Not Found" page
- There is a typo in the "Application of Aggravating and Mitigating Factors" document at https://justice.oregon.gov/lesc/documents/NPRM_2022-07-28_265-005-0030.pdf in number (3): look for "justiExcept"

Thank you,

Marc Poris

Portland, OR

On Thu, Aug 25, 2022 at 6:48 PM Marc Poris <marc.poris@gmail.com> wrote:

Hello Mr. Boss,

I am involved in police transparency work in Portland and am hoping to learn a little more about each of the Commissioners listed at:

<https://justice.oregon.gov/lesc/>

Is there a separate location where I can find their bios?

In particular, I am hoping to find out each of their organizational affiliations.

I think it is in the public's best interest to know if any commissioners are getting paid to participate by one or more of their organizations, and if so, who is paying them to participate.

Thank you,

Marc Poris

Portland, OR

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Archived: Tuesday, September 6, 2022 11:59:16 AM

From: [Rose Wilde](#)

Mail received time: Tue, 30 Aug 2022 21:36:42

Sent: Tue, 30 Aug 2022 14:36:20

To: [ORLawEnf Commission](#)

Subject: vote no on proposed new rules in Sept 21 meeting

Importance: Normal

Sensitivity: None

CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL

Good afternoon Co-Chairs Henson and Slauson, Director Boss, and Members of the Commission,

The news rules for law enforcement standards on conduct and discipline proposed for the Sept. 21 fall far short of addressing the harms of policing. Stronger accountability measures are necessary to address the deaths caused by police officers. In my time in Oregon, I have yet to see police officers held accountable for their crimes, including allowing police officers who commit sexual assault, escalate encounters to the point of lethal violence, or participate in white supremacist organizations to continue in their jobs with no consequences. The rules proposed would allow as little as a verbal reprimand for sexual assault and lethal excessive force, and NO consequences for membership in a hate organization, such as the Oath Keepers. The rules allow such a large list of "mitigating factors" that they become unenforceable. When I took to the streets in 2020 demanding justice for George Floyd, I was (and still am) seeking actual accountability in our criminal legal system. However, even since then, our local Police Chiefs, Sheriff, and District attorney have failed to hold police officers accountable for clear cases of excessive force, sexual assault, and racial bias.

Instead of these meek measures, police officers who commit serious crimes or do serious harm to community members should be fired and lose their pensions. Police agencies should be prohibited from hiring anyone with a membership in an organization committed to undermining our democracy or seeking white supremacy, and current employees must disavow any previous memberships, at minimum, or lose their jobs.

We know that police unions will fight against any form of accountability - we have seen this again and again.

So, as written, I oppose the rules proposed and urge you to vote "No". I believe the composition of the commission is too heavily influenced by people with a vested interest in maintaining the status quo in policing, too many people whose jobs are in law enforcement or the criminal legal system, for the commission to address the real concerns that motivated the legislation in 2021 and the demonstrations in 2020. The commission should invite participation from community members who are speaking out against police abuse of power, from community members impacted by police violence and racial bias, and from members of our populations most vulnerable to police abuse of authority, especially Black, Indigenous, Immigrant, Transgender, and other people of color.

I am still organizing in my community to push for real change, and will not stop until we have stopped the ongoing harm caused by police acting in my name (as a constituent) and funded with our tax dollars.

I thank you for your service but ask that you revisit these standards.

Sincerely, Rose Wilde

--

Rose I. Wilde, MPH

My pronouns are she and her, I invite you to share yours.

rose.i.wilde@gmail.com

541-953-3643 (phone)

All opinions and statements represent only myself and no other individual or organization.

Archived: Tuesday, September 6, 2022 12:02:10 PM

From: [Sarah Clark](#)

Mail received time: Wed, 31 Aug 2022 16:28:11

Sent: Wed, 31 Aug 2022 09:27:56

To: [ORLawEnf Commission](#)

Subject: Accountability for Police Officers

Importance: Normal

Sensitivity: None

CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL

Dear Commission,

I am a Portland resident, mother, and small business owner. I'm writing to implore you not to allow Oregon police to water down standards for police conduct that protect the people they serve. The standards they are proposing are completely unacceptable.

- From 2013 to 2020, police in the U.S. have killed more than 9,000 people, at an average of about 1,095 per year.
- In Oregon, Black people are killed by police at a rate about four times more than white people.
- Concerns have been raised about police across Oregon engaging in racist conduct, racial profiling, and being a part of extremist hate groups, including those involved in the attempt to topple our democracy on January 6, 2021.
- Police sexual misconduct — which includes sexual harassment, sexual extortion, and forcible rape — is a systemic problem.
- Research indicates that sexual misconduct is the second-most-frequently reported form of police misconduct, after excessive force, and that children and adults are the victims of police sexual misconduct.
- The Institute for Justice recently gave [Oregon a D+](#) for its accountability and immunity practices.

Portland

- Portland police arrest Black people at a rate 4.3 times higher than white people, the fifth worst in the country.
- In just 2020 alone, Portland Police recorded 6,283 uses of force against people who attended racial justice protests in Portland.

- A Portland Police Bureau investigation concluded that one of its officers did not violate professional conduct directives when he joined the Oath Keepers in 2018. The Oath Keepers are an extremist anti-democracy group that participated in the January 6, 2021, insurrection at the U.S. Capitol.
- Earlier this year, in 2022, it was discovered that Portland Police were using a PowerPoint training presentation that included a meme affiliated with the extremist anti-democracy movement that encouraged violence against protesters.

Police must be held accountable for sexual assault, unnecessary violence and racism--including joining hate groups, which is clearly in ethical conflict with their professional roles.

I implore you to make sure police are held accountable so that vulnerable citizens are truly protected instead of endangered by our law enforcement.

Sincerely,
Sarah Clark

Archived: Tuesday, September 6, 2022 12:05:57 PM
From: charla=charlahathaway.com@mg.gospringboard.io
Mail received time: Thu, 1 Sep 2022 01:34:42
Sent: Message
To: [ORLawEnf Commission](#)
Subject: Unchecked police misconduct & violence harms people in our communities
Importance: Normal
Sensitivity: None

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Dear Commission on Law Enforcement Standards of Conduct

I am a community member in Oregon who is concerned about the lack of accountability when police officers harm people.

Oregonians across our state have been harmed by police – with racist or hateful misconduct, sexual assault, violence, and death. Information about the harm caused by police is available on the ACLU of Oregon website at www.aclu-or.org.

A law passed by Oregon lawmakers in 2021 requires the state to create conduct and discipline standards for police officers across Oregon. Although the “Commission on Law Enforcement Standards of Conduct and Discipline” was formed to create these police standards, the Commission is failing to ensure that bad police officers face accountability when they harm people.

These are some examples of “standards” proposed by this Commission that I believe will not create accountability when police officers cause harm:

- If a police officer commits a sexual assault or seriously injures or kills someone with unjustified or excessive physical force, the penalty can be as low as a written reprimand.
- If a police officer engages in racism or discrimination, they can keep their job with penalties as low as a suspension, salary reduction, or demotion.
- If a police officer joins a hate group like the Oath Keepers - a group that played a central role in the January 6 attack on the U.S. Capitol - there is no consequence.

The Institute for Justice recently gave Oregon a D+ for its accountability and immunity practices, including the shield of qualified immunity. The “standards” proposed by the Commission add to the ways that bad police officers can evade responsibility for their actions. These proposed standards do not create real accountability, and they won’t keep people safe from police violence and harm.

I urge the Commission to stop proceeding with the current proposed standards. Instead, the Commission should only proceed after revising the proposed standards so that they create real accountability, not a shield from accountability, for bad police officers.

We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,

Charla Hathaway

Redacted

From: [annie](#)
Mail received time: Thu, 1 Sep 2022 02:58:26
Sent: Wed, 31 Aug 2022 19:58:21
To: [ORLawEnf Commission](#)
Subject: voters will is being subverted
Importance: Normal
Sensitivity: None
Archived: Tuesday, September 6, 2022 12:07:33 PM

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Hello,

i am a portland voter and taxpayer. I am horrified that the police establishment has completely co-opted our new commission. voters established the commission because they were worried about excessive police power and the horrible concept of qualified immunity. letting the police make the rules is NOT going to fix anything.

we need to stop this sham commission and stop the proposals before they go any further.

we need to make cops accountable, not slap their wrists when they kill someone. we have already tried that and it DOESN'T WORK.

reject the proposal NOW.

annie capestany

Redacted

From: [Dawn Boone](#)
Mail received time: Thu, 1 Sep 2022 16:00:31
Sent: Thu, 1 Sep 2022 09:00:23
To: [ORLawEnf Commission](#)
Subject: My public feedback on proposed standards
Importance: Normal
Sensitivity: None
Archived: Tuesday, September 6, 2022 12:12:52 PM

CAUTION EXTERNAL EMAIL This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL*

Good morning,

I am sending my feedback on some of your commission's proposed standards for police accountability.

Sexual Assault. If the disciplining body has found that an officer has engaged in sexual assault, the only sanction should be termination. Sexual assault is a serious offense, and no one in the community will feel safe being policed by an officer that has committed such an egregious crime. Giving an officer a financial punishment (such as suspension without pay, salary reduction, or demotion) does nothing to “fix” the underlying issues of that individual’s behavior. And including the option of written reprimand is franky, mind-boggling. Your officers need to face the same consequences as a member of the public found guilty of the same crime!

Unjustified/Excessive use of physical or deadly force. Similar to my comments above, the public will not feel safe being policed by an individual whose default is to use unwarranted or excessive violence. We need to trust our officers are there to protect us, not have hair-trigger violent reactions, or worse, let emotions like frustration or anger get the better of them...not when they have such deadly weapons at their disposal! An individual who has crossed the line in such a manner should not be trusted to continue serving the public.

Thank you for the opportunity to express my grave concerns regarding the proposed mitigating sanctions of these two serious offenses.

Sincerely,

Dawn Boone
Bend, Oregon

Archived: Tuesday, September 6, 2022 12:15:10 PM

From: [Jesse Springer](#)

Sent: Fri, 2 Sep 2022 10:34:42

To: [ORLawEnf Commission](#)

Subject: Unchecked police misconduct & violence harms people in our communities

Importance: Normal

Sensitivity: None

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To the commission,

I am a resident of Oregon who is extremely concerned about the harm police cause our citizens and the lack of accountability for those police officers.

The Oregon Legislature passed a law in 2021 to create and enforce uniform standards of discipline for police officers across the state of Oregon. While this is a laudable goal, considering the amount of harm that police officers have done to the citizens they are sworn to protect, the process has been co-opted in order to not only maintain the status quo, but further entrench it.

Respectfully, it is no secret that a majority of the voting members of the Commission have a background that betrays their bias towards protecting police officers, rather than even-handedly reforming the culture of harm that pervades policing in Oregon. If this Commission proceeds as currently constituted, it will produce a code that purports to bring more accountability to policing, but will in fact do the opposite.

The Institute for Justice recently gave Oregon a D+ for its accountability and immunity practices, including the shield of qualified immunity. The "standards" proposed by the Commission add to the ways that bad police officers can evade responsibility for their actions. These proposed standards do not create real accountability, and they won't keep people safe from police violence and harm.

I urge the Commission to stop proceeding with the current proposed standards. Instead, the Commission should only proceed after revising the proposed standards so that they create real accountability, not a shield from accountability, for bad police officers.

The best first step towards that goal would be to disband the Commission and re-form it with a more even balance of stakeholders at the table.

Thank you.

- Jesse Springer

Springer Design & Illustration

541.485.0186

<http://springerdesign.biz>

Archived: Tuesday, September 6, 2022 12:16:47 PM

From: [Courtney Christenson](#)

Mail received time: Fri, 2 Sep 2022 23:42:41

Sent: Fri, 2 Sep 2022 16:42:01

To: [ORLawEnf Commission](#)

Subject: Public Comment on Proposed Standards for Law Enforcement

Importance: Normal

Sensitivity: None

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Hello,

My name is Courtney Christenson and I live in Central Oregon (Bend). I'm writing because I believe the new proposed standards of conduct for law enforcement in Oregon will not accomplish its goal of holding officers accountable for bad or harmful behavior.

I'm particularly upset by the proposed standards that would allow officers who have committed sexual assault, used unjustified excessive or deadly force, or engaged in racism or discrimination could receive as low of a penalty as a written warning?!?

The proposed standard for an officer drinking or using drugs on the job doesn't even allow for that minor discipline option!

This does not point to standards that are trying to protect the people by holding powerful law enforcement officers and officials accountable. Currently, the Institute of Justice gives Oregon a D+ rating for its police accountability policies (<https://ij.org/report/50-shades-of-government-immunity/state-profile/oregon/>).

We MUST do better by implementing REAL consequences for officers who abuse their power and commit acts of violence. And that must start by holding them to a higher standard than the general population... not a lower one.

--

Sincerely,

Courtney Christenson

Archived: Tuesday, September 6, 2022 10:52:02 AM

From: [Charlotte Maloney](#)

Mail received time: Tue, 6 Sep 2022 04:50:20

Sent: Mon, 5 Sep 2022 21:50:13

To: [ORLawEnf Commission](#)

Subject: Written testimony for proposed rules

Importance: Normal

Sensitivity: None

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Dear Commission Members,

I have attended the September 1st hearing, watched recording of the August 30th hearing, and have read the proposed rules. I have several strong concerns that the rules are inadequate, as well as several rules being ambiguous in enforcement of these standards.

I understand that the process for the commission's work was established by the legislature's bill, which formed the commission. I find it unjustifiable that only 2 women and 2 African Americans are in this work group of 15. Why are 7/13 voting members a current officer or chief/sheriff, former officer or chief/sheriff, or defending attorney for officers? This gives an appearance of maintaining the status quo, rather than solving the issues addressed in the bill.

Sexual assault: It is unconscionable that an officer can be found to have committed sexual assault and not be terminated. What on earth can a mitigating factor be for keeping the officer on the force? Would you want that officer employed in your community?

Excessive and deadly force: No number of years on the force- or other mitigating factor- should be such that an officer found to have used excessive force should receive a written reprimand rather than termination- especially if that force is deadly force. We've had many police killings of unarmed people in Oregon. Yet, no officer has lost their job for this reason in our state. These rules need to do a better job of giving agencies specific standards and guidelines to terminate officers using excess force, let alone ending someone's life.

Membership in hate group: There can be no justification of an officer being a member of hate group like the Oath Keepers, whose leaders are being tried and some already sentenced for having a planning role in the January 6 attack on the US Capitol. I cannot see how an officer, who is sworn to uphold the law and protect the public, can agree with racist, misogynistic, and/or anti-government rhetoric.

I respectfully ask that the commission remove some of the members with law force experience and add another member of African American ancestry, a member of Asian ancestry, and a family member of a person who was killed by an officer. Then, rewrite the rules with more authentic standards for statewide implementation.

Sincerely,
Charlotte Maloney

Redacted

Archived: Wednesday, September 7, 2022 8:09:37 AM

From: [David Wacks](#)

Mail received time: Wed, 7 Sep 2022 13:41:02

Sent: Wed, 7 Sep 2022 06:40:46

To: [ORLawEnf Commission](#)

Cc: [David Wacks](#)

Subject: Public comment re: ADOPT: 265-010-0025, 265-010-0035, 265-010-0001

Importance: Normal

Sensitivity: None

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Dear Madam/Sir:

The proposed rules do not protect the community sufficiently and should not be approved.

Please see the following specific comments:

***ADOPT: 265-010-0025** RULE TITLE: Moral Character RULE SUMMARY: Identifies conduct that **demonstrates a lack of moral character** and establishes that the presumptive sanction for engaging in that conduct is termination and identifies mitigated sanctions. RULE TEXT: (1) For the purposes of this rule, lack of good moral character includes conduct constituting: (a) A felony under state or federal law (b) Domestic violence (c) Stalking (d) A drug-related offense, except for offenses involving use or possession of marijuana (e) **A bias or hate crime under state or federal law** (f) A sex crime (g) Untruthfulness (h) Misuse of authority for financial gain. (2) If a law enforcement officer is convicted of a crime based on conduct identified in subsection (1) of this rule, proof of the conviction is conclusive evidence that the conduct occurred. (3) A disciplining body shall impose upon a law enforcement officer disciplinary action of termination upon a finding that the officer engaged in misconduct demonstrating a lack of good moral character.*

Comment: language should include affiliation with known white supremacy or hate groups as a demonstration of "a lack of moral character"

ADOPT: 265-010-0035** RULE TITLE: Aggravating and Mitigating Factors RULE SUMMARY: Identifies a non-exclusive list of aggravating and mitigating factors that a disciplining body may consider. RULE TEXT: (1) Aggravating Factors: (a) Prior disciplinary history. (b) Delay in reporting. (c) Intentional conduct. (d) **Significant impact upon the agency's mission, reputation, or relationship with the community.

Comment: The rule as it stands is insufficient to protect the interests and safety of the community.

Officers who are affiliated with known white supremacist or hate groups exercise a "(d) significant impact upon the agency's mission, reputation, or relationship with the community," and such affiliations should be sanctioned explicitly for the safety of the community.

***ADOPT: 265-010-0001** RULE TITLE: Sexual Assault RULE SUMMARY: Establishes that the presumption sanction for engaging in conduct constituting sexual assault is termination and identifies mitigated sanctions. RULE TEXT: A*

disciplining body shall impose upon a law enforcement officer disciplinary action within the following disciplinary range upon a finding that the officer engaged in misconduct constituting an act of sexual assault: (1) The presumptive sanction shall be termination. (2) The mitigated sanction shall be suspension without pay, salary reduction, demotion, or a written reprimand.

Comment: Further, "a written reprimand" is an insufficient sanction for sexual assault, even a mitigated sanction. The option should be struck.

Thanks very much for the opportunity to comment.

Best wishes,
David Wacks
Redacted

Archived: Wednesday, September 7, 2022 8:10:38 AM

From: [tova stabin](#)

Mail received time: Wed, 7 Sep 2022 14:53:17

Sent: Wed, 7 Sep 2022 07:53:10

To: [ORLawEnf Commission](#)

Subject: Vote no on inadequate standards

Importance: Normal

Sensitivity: None

CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL

Hello. I am writing in regards to the standards outlined by the Commission that leave out essential regulations. These would include, but not limited to repercussions for officers who join hate groups, e.g., these standards would permit officers connected to white supremacist organizations to continue working without consequence. Additionally, for example, if an officer commits a sexual assault, the penalty can be as minimal as a written reprimand. These are inadequate standards minimally and do not protect our community, which is what officers should be aiming for. I urge you to VOTE NO on these inadequate standards that are not community minded.

Thank you.

tova stabin

tovastabin@gmail.com

"Your silence will not protect you." - Audre Lorde

Archived: Wednesday, September 7, 2022 11:12:57 AM

From: [robin cushman](#)

Mail received time: Wed, 7 Sep 2022 18:01:49

Sent: Wed, 7 Sep 2022 11:01:32

To: [ORLawEnf Commission](#)

Cc: [Sen Prozanski Rep Holvey](#)

Subject: Comments on Statewide Law Enforcement Standards of Conduct and Discipline

Importance: Normal

Sensitivity: None

CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL

Dear Commission members;

Thank you for your dedicated work developing these standards. They look very good, but there remain a few gaps.

265-010-0001, RULE TITLE: *Sexual Assault*, allows for a written reprimand to be the sole consequence of sexual assault. As a woman, mother and grandmother, I need to feel safe with those hired to protect me and my community. The possibility that sexual assault may have such slight response does not make me feel safe, only vulnerable. Please consider removing that part of the rule.

265-010-0020, RULE TITLE: *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*, does not mention any regarding affiliation with white supremacist groups. Any such affiliation or membership would affect dispassionate judgment in situations involving these populations, probably without the officer even being aware of it. Please add that membership in or affiliation with any white nationalist group be grounds for dismissal.

There are police officers, EMTs and firefighters in my family. We know them all to be honorable and hardworking. Clear rules that encompass all the possible problems will protect them and their jobs as well as our communities.

Respectfully and gratefully, Robin Cushman

Redacted

Archived: Wednesday, September 7, 2022 12:10:23 PM

From: [Thomas Brown](#)

Sent: Wed, 7 Sep 2022 18:52:40

To: [ORLawEnf Commission](#)

Importance: Normal

Sensitivity: None

CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL

Dear Commissioners,

The standards outlined by the Commission leave out essential regulations, including repercussions for officers who join hate groups. As is, **these standards would permit officers connected to white supremacist organizations to continue working without consequence.** Similarly, if an officer commits a sexual assault, the penalty can be as minimal as a written reprimand.

Sincerely,
Thomas Brown
Eugene OR 97403

Archived: Wednesday, September 7, 2022 12:12:19 PM

From: [J Treverton](#)

Mail received time: Wed, 7 Sep 2022 19:07:10

Sent: Wed, 7 Sep 2022 12:06:55

To: [ORLawEnf Commission](#)

Subject: Law enforcement standards of conduct

Importance: Normal

Sensitivity: None

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As a resident of Eugene, OR, I want to comment on the proposed standards. I believe the proposed standards of conduct are lacking and need to include meaningful and swift repercussions for officers who are part of hate groups, such as termination, or if they are willing and ready and wish to continue their job, some sort of de-programming from the hate group. How can an officer who is part of a hate group serve in a non-biased, fair and service oriented way while hating certain groups within their community? I believe there also needs to be meaningful consequences for officers who commit sexual assault, than the mitigated sanction of a written reprimand. Perhaps some sort of education, or community service.

Thank you for reading,

J. Treverton

Archived: Wednesday, September 7, 2022 12:36:47 PM

From: [BRUCE FARAH](#)

Mail received time: Wed, 7 Sep 2022 19:22:28

Sent: Wed, 7 Sep 2022 12:22:24

To: [ORLawEnf Commission](#)

Subject: Commission on Statewide Law Enforcement Standards of Conduct & Discipline

Importance: Normal

Sensitivity: None

CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL

The standards of policing in Oregon proposed by the Commission are outrageously inadequate. I am embarrassed as an Oregonian at the lack of accountability and meaningful consequences proposed for our police officers.

I urge the commission to vote NO on the proposed standards for law enforcement. As I understand it, the standards outlined by the Commission leave out essential regulations, including repercussions for officers who join hate groups. These standards would permit officers connected to white supremacist organizations to continue working without consequences. In addition, if an officer commits a sexual assault, the penalty could be as small as a written reprimand. Unbelievable!!

Lane County must have higher standards for policing than what is proposed by this Commission.

Sincerely,

Bruce Farah
Creswell, OR

Archived: Thursday, September 8, 2022 8:08:45 AM

From: [Darius Yannick](#)

Mail received time: Wed, 7 Sep 2022 20:54:11

Sent: Wed, 7 Sep 2022 13:53:58

To: [ORLawEnf Commmission](#)

Subject: Police accountability

Importance: Normal

Sensitivity: None

CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL

Hello. I am writing to ask you to vote no on the upcoming police accountability new law. It is not stringent enough. It would allow officers to join hate or white supremacist groups and would allow for just a slap on the wrist for sexual assaults. We need to do better. I appreciate all the work that has gone into this but it's not complete. Please vote no on this until a better piece comes along. Thank you.

Mx. Davin Yannick

Redacted

Archived: Thursday, September 8, 2022 8:19:22 AM

From: [Danielle Walsh](#)

Mail received time: Thu, 8 Sep 2022 13:26:52

Sent: Thu, 8 Sep 2022 06:26:11

To: [ORLawEnf Commission](#)

Subject: Vote no on proposed standards of conduct

Importance: Normal

Sensitivity: None

CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL

Commissioners,

I am writing to express my concern about the Commission's proposed standards of conduct for law enforcement officers. I am urging you to vote "no" on approval of these standards. As proposed, the standards are inadequate.

As a queer and transgender Oregonian, I am mindful of ways the criminal justice system has harmed, and continues to harm my community. I am dismayed that the Commission would propose rules that do not outline repercussions for police officers who join hate groups.

Furthermore, I am outraged by penalties as minimal as a written reprimand, for officers who commit sexual assault.

Please revise these standards to make law enforcement officers truly accountable for their actions. A "yes" vote on these proposed standards means that me, and many of my fellow Oregonians, will continue to be unsafe in our own communities, harmed by people who are paid and mandated to protect all citizens.

Sincerely,
Danielle Walsh
Eugene, OR

Archived: Thursday, September 8, 2022 8:33:41 AM

From: [mia coltrane](#)

Mail received time: Thu, 8 Sep 2022 15:22:46

Sent: Thu, 8 Sep 2022 08:22:31

To: [ORLawEnf Commission](#)

Subject: Inadequacy of the Currently Proposed Police Standards for Conduct and Discipline

Importance: Normal

Sensitivity: None

CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL

To the members of the commission,

As the current standards for police conduct and discipline are being renewed, much greater accountability must be created for officers who commit any sexual assault, as well as for those who are connected to white supremacist organizations. Both of these actions are completely detrimental to the community that officers should be serving and protecting, and very serious disciplinary consequences must be in place for those officers who engage in either of these activities.

Thank you for your consideration,

Mia Coltrane

Archived: Thursday, September 8, 2022 12:56:53 PM

From: [Devin Peters](#)

Mail received time: Thu, 8 Sep 2022 19:16:53

Sent: Thu, 8 Sep 2022 12:16:37

To: [ORLawEnf Commission](#)

Subject: No to Chapter 265, Division 005 Rules Changes

Importance: Normal

Sensitivity: None

CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL

To the Commission on Statewide Law Enforcement Standards of Conflict & Discipline,

Please reject new rules for chapter 265, division 005. The new standards simply do not go far enough to ensure accountability when bad law enforcement officers inflict harm on the public and other officers.

Oregon citizens already feel that law enforcement officers are largely unaccountable, hence the creation of commission. Do not further weaken that tenuous trust by passing weak standards that barely reprimand officers accused of sexual assault or join terrorist organizations such as Oath Keepers and III%.

Reject these rules and replace them with something more befitting of the expected conduct of Law Enforcement Officers. Show Oregonians that we can trust our police agencies again.

Thank you,
Devin Peters
Portland, OR 97210

Archived: Thursday, September 8, 2022 2:33:49 PM

From: [R.B. Garden](#)

Mail received time: Thu, 8 Sep 2022 21:27:55

Sent: Thu, 8 Sep 2022 14:27:26

To: [ORLawEnf Commission](#)

Subject: Commission on Statewide Law Enforcement Standards of Conduct and Discipline

Importance: Normal

Sensitivity: None

CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL

The standards outlined by the Commission leave out essential regulations, including repercussions for officers who join hate groups. As is, **these standards would permit officers connected to white supremacist organizations to continue working without consequence.** Similarly, if an officer commits a sexual assault, the penalty can be as minimal as a written reprimand.

This is unacceptable. Police Officers need to start being held accountable for their behavior and white supremacy attitudes are unacceptable. Sexual assault is also unacceptable in an officer of the law.

One more thing, start having police officers pay for the crimes they get charged with "with their own money", not taxpayer dollars. If you don't hold them accountable and fine them when they break the laws they will continue to harm Oregonians and feel they are above the law.

Hold police officers accountable for their actions.

RB Garden
Springfield

Archived: Monday, September 12, 2022 11:47:38 AM

From: [Tori Yoder](#)

Mail received time: Fri, 9 Sep 2022 02:30:58

Sent: Thu, 8 Sep 2022 19:30:43

To: [ORLawEnf Commission](#)

Subject: We need more accountability from police officers

Importance: Normal

Sensitivity: None

CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL

Dear Commission on Law Enforcement Standards of Conduct

I am a community member in Oregon who is concerned about the lack of accountability when police officers harm people.

Oregonians across our state have been harmed by police – with racist or hateful misconduct, sexual assault, violence, and death. Information about the harm caused by police is available on the ACLU of Oregon website at www.aclu-or.org.

A law passed by Oregon lawmakers in 2021 requires the state to create conduct and discipline standards for police officers across Oregon. Although the “Commission on Law Enforcement Standards of Conduct and Discipline” was formed to create these police standards, the Commission is failing to ensure that bad police officers face accountability when they harm people.

These are some examples of “standards” proposed by this Commission that I believe will not create accountability when police officers cause harm:

- If a police officer commits a sexual assault or seriously injures or kills someone with unjustified or excessive physical force, the penalty can be as low as a written reprimand.
- If a police officer engages in racism or discrimination, they can keep their job with penalties as low as a suspension, salary reduction, or demotion.
- If a police officer joins a hate group like the Oath Keepers - a group that played a central role in the January 6 attack on the U.S. Capitol - there is no consequence.

The Institute for Justice recently gave Oregon a D+ for its accountability and immunity practices, including the shield of qualified immunity. The “standards” proposed by the Commission add to the ways that bad police officers can evade responsibility for their actions. These proposed standards do not create real accountability, and they won’t keep people safe from police violence and harm.

I urge the Commission to stop proceeding with the current proposed standards. Instead, the Commission should only proceed after revising the proposed standards so that they create real accountability, not a shield from accountability, for bad police officers.

We all have a responsibility to dismantle systemic racism and oppression. We urge you to take action on this matter today.

In solidarity,
Tori Yoder

Archived: Monday, September 12, 2022 11:38:28 AM

From: [Amanda Powell](#)

Sent: Fri, 9 Sep 2022 14:42:29

To: [ORLawEnf Commission](#)

Subject: Please ensure police accountability that will truly support community safety

Importance: Normal

Sensitivity: None

CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL

Dear members of the Commission on Statewide Law Enforcement Standards:

We need standards for policing in Oregon that will ensure safety and equity for all community members.

As I understand it, the proposed rules are inadequate, because for example they impose no consequences or repercussions for officers who join hate groups; they may impose only minimal penalties for officers who commit sexual assault.

Please vote no on the proposed rules, and work tirelessly for equity and true justice in our state's law enforcement standards.

Thank you for your work.

Sincerely,

Amanda

~~~~~  
Amanda W. Powell

Dept. of Romance Languages | Senior Lecturer II in Spanish | Emerita  
University of Oregon

She / ella / elle / ela / lei

**Archived:** Friday, September 9, 2022 9:46:28 AM

**From:** [annobananomiller@gmail.com](mailto:annobananomiller@gmail.com)

**Mail received time:** Fri, 9 Sep 2022 16:10:10

**Sent:** Fri, 9 Sep 2022 09:10:04

**To:** [ORLawEnf Commmission](#)

**Subject:** Accountability Standards for law enforcement officers

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

To whom it may concern:

I am an Oregon resident concerned about how law enforcement is carried out. I am concerned about officers being allowed to act on their biases by targeting people of color and women and bringing them harm or death. The standards need to include clear repercussions for officers who join hate groups, who commit sexual assault, who maim or kill someone with unjustified or excessive physical force. These occurrences should result in an officer being fired. We will not tolerate racist and misogynist acts in Oregon. While I appreciate that officers put themselves in danger at times, the immunity granted them has protected them from repercussions for racist and misogynist acts. It is criminal to give a written reprimand or temporary office duty when an officer's acts used excessive force for the situation and certainly sexual assault. None of this should be tolerated.

Please vote "NO" to the weak unethical proposed standards.

Anne Miller  
Eugene, Oregon

Archived: Friday, September 9, 2022 9:49:42 AM

From: [Jill Sager](#)

Sent: Fri, 9 Sep 2022 09:43:07

To: [ORLawEnf Commmission](#)

Subject: Upcoming Vote on Standard and Rules

Importance: Normal

Sensitivity: None

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**\*CAUTION EXTERNAL EMAIL\*** This email originated from outside of DOJ. Treat attachments and links with caution. **\*CAUTION EXTERNAL EMAIL\***

Hello,

My name is Jill Sager. I want to start by letting you know that I am not someone who is anti-police at all. I have 2 close friends who work for Eugene Police, one an officer, another a CPO. My cousin was a police officer in San Francisco his whole working life, until he retired.

If what I have been sent by email is true, (the paragraph in blue) it does concern me and I will tell you why.

The standards outlined by the Commission leave out essential regulations, including repercussions for officers who join hate groups. As is, [these standards would permit officers connected to white supremacist organizations to continue working without consequence](#). Similarly, if an officer commits a sexual assault, the penalty can be as minimal as a written reprimand.

I know want to feel the protection by police officers. I want police, maybe more in Eugene specially to keep us safe, to keep criminals off the streets.

To put it plainly, I never understood the call to defund the police. It is not something I believe nor would I want.

I know from those I mentioned above, that in order to become a police officer, one goes through a very exhausting vetting process.

With that said, unfortunately in the U.S. no matter how many checks and balances are in place, police are human beings.

They enter their jobs, like the rest of us, with their biases, their cultural predispositions, their morals, etc. you know what I mean. But, unlike the rest of us, police have a certain amount of power over the rest of us. "Power" is a word that is perhaps not the best to use, but I think we can agree, that as policing becomes more transparent as it has in the past few years - we have seen how those who are sworn to uphold the law - can and sometimes do, abuse and take advantage of the privilege they have been given.

Police are on the right side of the law, But that doesn't mean we can ignore the potential pitfalls of who they are when they are not policing so for me, this means we need to do better to ensure that checks and balances are in place, to make sure that we can continue to trust our police who are here to serve all of us fairly, equally, and justly.

And so, I am writing to ask that you either vote "no," on the upcoming standards or at least take a second look at what is not included, again see above blue paragraph.

Thank you for your time and consideration,

Jill Sager  
Eugene, Oregon

**Archived:** Monday, September 12, 2022 9:28:23 AM

**From:** [Marty Wilder](#)

**Mail received time:** Sat, 10 Sep 2022 13:57:06

**Sent:** Sat, 10 Sep 2022 06:56:49

**To:** [ORLawEnf Commission](#)

**Subject:** PLEASE PASS STRONG STANDARDS for HB 2930

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Hello to the Commission,

My name is Marty Wilder and I am a citizen of Eugene. In 2020/21, I participated in our city's Ad Hoc Committee on Police Policy as a representative of TransPonder, a local organization supporting transgender and nonbinary individuals throughout the State. Along with 29 other committee members, we drafted a report with 50 recommended policy changes, reforms, and adoptions. (link to [full report](#), link to [summary](#))

Many of the recent bills coming from the State Legislation mirror our work. I am writing to advocate passing a stronger version of HB 2930 as a bare minimal step in the right direction. You will hear arguments from law enforcement professionals that they do not need the State to mandate standards, that discipline and accountability is best left to Police Chiefs and Sheriffs. We must have standards of accountability for a number of reasons. The most egregious being that corruption happens and law enforcement officers commit heinous acts and are not held accountable either because their commanding officers are themselves complicit or simply due to the culture of loyalty, their commanding officers trust the word of the offending officer over the claims of the victims. But even when the Police Chief adjudicates a case of misconduct and issues appropriate disciplinary action (in alignment with HB 2930 proposals), there is still arbitration. Sadly, Police Unions have focused so intently on immunity over the past decades that officers can hardly ever be held accountable. An officer need only say "I feared for my life" in order to take a life without culpability or consequence. HB 2930 would mandate minimal disciplinary actions.

You will also hear from people, specifically those who have been directly harmed by police, that these standards are too weak and do nothing. I agree that much more needs to change, but this bill gives a bare minimum of leverage where, right now, we have nothing. There are no standards for police conduct. Nothing. It all lies in the hands of the Police Chief or Sheriff at the local level. We KNOW that this does not ensure accountability. We must have standards that matter. Our Ad Hoc Committee proposed a full disciplinary matrix. We have been far too free with "mitigations" and officers know the loopholes. They know what to say to get off the hook. They know how to bully and escalate a person into an action that gives them "freedom" to commit assault. They know what they can and do get away with. This must change. It is not going to happen by asking the system to correct itself. Do not let yourself be convinced by law enforcement professionals that there might be circumstances where it was permissible for an officer to rape or sexually assault someone, or that there exists a light version of intentional wrongful death. Hold to your standards: termination AND put it on permanent record to prevent lateral transfer to other law enforcement agencies.

The Commission is heavily slanted towards law enforcement related members. I suggest that you have the proposal reviewed by those most harmed. Contact the Pacific Northwest Family Circle, ACLU, CLDC, and invite input from statewide BIPOC organizations.

Law enforcement officers have far too much power and influence to be left unchecked. Pass stronger standards for HB 2930.

Sincerely,  
Marty Wilder  
Eugene, OR



**Archived:** Monday, September 12, 2022 9:29:56 AM

**From:** [Sue Craig](#)

**Mail received time:** Sun, 11 Sep 2022 00:20:40

**Sent:** Sat, 10 Sep 2022 17:20:32

**To:** [ORLawEnf Commmission](#)

**Subject:** Police misconduct without clear and significant consequences breeds mistrust

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

If this is true, that misconduct is simply controlled by a reprimand, than none of the Oregon law Enforcement can be accountable.

Please think of the person who is being dealt with. Our police need to do their jobs, but in a constructive and good way. Sue Craig Eugene Oregon 97402

**Archived:** Monday, September 12, 2022 9:31:11 AM

**From:** [Ron Reinebach](#)

**Mail received time:** Sun, 11 Sep 2022 00:23:18

**Sent:** Sat, 10 Sep 2022 17:23:10

**To:** [ORLawEnf Commmission](#)

**Subject:** Police misconduct without clear and significant consequences breeds mistrust

**Importance:** Normal

**Sensitivity:** None

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Who could have trust in any police who were members of any right wing organization?

Sent via the Samsung Galaxy S7

**From:** [Barbara Hopfinger](#)

**Mail received time:** Sun, 11 Sep 2022 00:30:54

**Sent:** Sat, 10 Sep 2022 17:30:42

**To:** [ORLawEnf Commission](#)

**Subject:** Police misconduct without clear and significant consequences breeds mistrust

**Importance:** Normal

**Sensitivity:** None

**Archived:** Monday, September 12, 2022 9:33:24 AM

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Sent from my iPhone

**Archived:** Monday, September 12, 2022 9:35:57 AM

**From:** [Ed Kael](#)

**Mail received time:** Sun, 11 Sep 2022 00:32:09

**Sent:** Sat, 10 Sep 2022 17:31:54

**To:** [ORLawEnf Commission](#)

**Subject:** Police misconduct without clear and significant consequences breeds mistrust

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Commissioners,

**The proposed standards are irresponsible and unacceptable because they will NOT keep bad cops accountable!**

Ed Kael

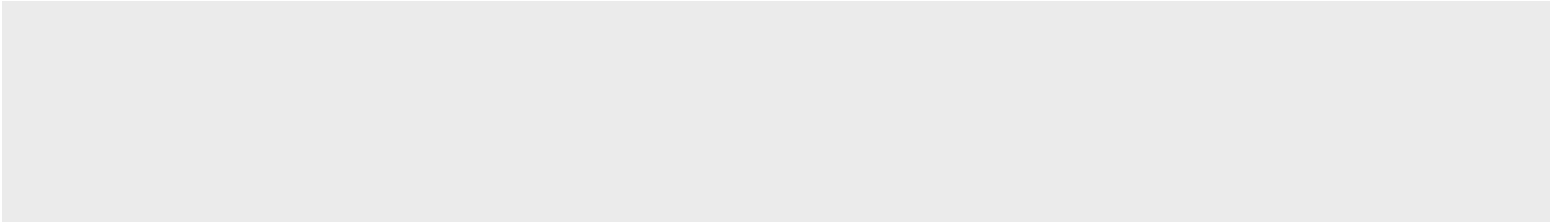
Ed Kael

**Redacted**

"It is because the child's intelligence assimilates by loving, and not just indifferently, that he/she can see the invisible." -- Maria Montessori

*"We are part of one human family, one global tapestry threaded with the wonder, beauty and possibility of God's creation. Each of us is an essential strand woven into the whole to make it stronger, more beautiful, more durable and more diverse."*

*-- Maryknoll Sisters*



**Archived:** Monday, September 12, 2022 9:37:27 AM

**From:** [mary thiel](#)

**Mail received time:** Sun, 11 Sep 2022 00:32:25

**Sent:** Sat, 10 Sep 2022 17:32:20

**To:** [ORLawEnf Commmission](#)

**Subject:** Police misconduct without clear and significant consequences breeds mistrust

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

At this time, some of us hesitate to participate in public actions, such as marches or demonstrations to draw attention to important environmental issues, because of concern that we could be harmed by the actions of police. We all need to believe we can trust that police will act lawfully and protect us; so we can speak out and exercise our constitutional rights.

If bad behavior of officers occurs, call it out. No one is above. This is something good police officers should want to get behind.

Thank you.

**Archived:** Monday, September 12, 2022 9:39:10 AM

**From:** [Anthony Albert](#)

**Sent:** Sun, 11 Sep 2022 00:34:17

**To:** [ORLawEnf Commission](#)

**Subject:** Police misconduct without clear and significant consequences breeds mistrust

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

**Say NO to the proposed standards because they will NOT keep bad cops accountable!**

**Archived:** Monday, September 12, 2022 9:40:49 AM

**From:** [Michael Griggs](#)

**Mail received time:** Sun, 11 Sep 2022 00:34:33

**Sent:** Sat, 10 Sep 2022 17:34:02

**To:** [ORLawEnf Commmission](#)

**Subject:** Police misconduct without clear and significant consequences breeds mistrust

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

**Your current proposed standards provide massive opportunity for loopholes that will allow police misconduct to continue as a result of a lack of clear and appropriate consequences.**

At this time, some of us hesitate to participate in public actions, such as marches or demonstrations to draw attention to important environmental issues, because of concern that we could be harmed by the actions of police. We all need to believe we can trust that police will act lawfully and protect us; so we can speak out and exercise our constitutional rights.

Michael Griggs

**Redacted**

[www.dancingbearproductions.net](http://www.dancingbearproductions.net)

**Archived:** Monday, September 12, 2022 9:42:19 AM

**From:** [Rolla Lewis](#)

**Mail received time:** Sun, 11 Sep 2022 00:41:28

**Sent:** Sat, 10 Sep 2022 17:41:22

**To:** [ORLawEnf Commission](#)

**Subject:** Police misconduct without clear and significant consequences breeds mistrust

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Dear Commission Members,

Please make a genuine effort to end loopholes and develop true mechanisms for police accountability, public safety, and most important, public and police trust. The current practices need honest, data-driven, public and police input as part of a revision process should be reviewed and revised every three or so years. Structure like that will embed a continuous improvement process that includes both public and police.

Sincerely, Rolla E Lewis

CSUEB Professor Emeritus  
Taos Institute Associate

You cannot buy the revolution. You cannot make the revolution. You can only be the revolution. It is in your spirit, or it is nowhere.

Ursula K. Le Guin

— Sent from my iPhone



**Archived:** Monday, September 12, 2022 9:43:42 AM

**From:** [Sharon Crocker](#)

**Mail received time:** Sun, 11 Sep 2022 01:21:10

**Sent:** Sun, 11 Sep 2022 01:21:03

**To:** [ORLawEnf Commission](#)

**Subject:** Police misconduct without clear and significant consequences breeds mistrust

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

As a teacher, I would expect to incur consequences for unlawful behavior, the same as any citizen. I think police officers should not be shielded from consequences than any citizen would incur for unlawful behavior

Sharon Crocker

**From:** [Carol Elkins](#)

**Mail received time:** Sun, 11 Sep 2022 02:02:49

**Sent:** Sat, 10 Sep 2022 19:02:41

**To:** [ORLawEnf Commission](#)

**Subject:** Police misconduct without clear and significant consequences breeds mistrust

**Importance:** Normal

**Sensitivity:** None

**Archived:** Monday, September 12, 2022 9:45:01 AM

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\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\*

**Archived:** Monday, September 12, 2022 9:47:56 AM

**From:** [Sherrie James](#)

**Mail received time:** Sun, 11 Sep 2022 02:29:21

**Sent:** Sat, 10 Sep 2022 19:29:15

**To:** [ORLawEnf Commission](#)

**Subject:** Police misconduct without clear and significant consequences breeds mistrust

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

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. Participation in the illegal activities of groups or organizations should be cause for the police officer to be dismissed from the job though just belonging should not be cause for firing.

We, the community, want our police officers to make our communities safe and to NOT engage in violent or illegal activities.

Thank you,

Sherrie S. James  
ssjames@aol.com

**From:** [Julia & Bill Campbell](#)

**Mail received time:** Sun, 11 Sep 2022 03:07:40

**Sent:** Sat, 10 Sep 2022 20:07:37

**To:** [ORLawEnf Commission](#)

**Subject:** Police misconduct without clear and significant consequences breeds mistrust

**Importance:** Normal

**Sensitivity:** None

**Archived:** Monday, September 12, 2022 9:49:40 AM

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\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\*

I support wholeheartedly our police force and want it well funded however police officers must be held accountable for misconduct in a severe way so it does not reoccur. Misconduct must be punished so it is not repeated. The police need to be respected and honored for the work they do to protect us all. This will not be the case if crimes and misdemeanors are allowed to go unpunished.

Julia Campbell

**Archived:** Monday, September 12, 2022 9:51:26 AM

**From:** [cook](#)

**Mail received time:** Sun, 11 Sep 2022 04:06:06

**Sent:** Sat, 10 Sep 2022 21:05:59

**To:** [ORLawEnf Commission](#)

**Subject:** Police misconduct

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\*** This email originated from outside of DOJ. Treat attachments and links with caution. **\*CAUTION EXTERNAL EMAIL\***

To the Oregon Law Enforcement Commission:

As you develop the new standards for police conduct that will protect citizens, please provide clarity for police misconduct that avoids loopholes that bring confusion. The need for appropriate consequences that meet the severity of the misconduct is necessary.

Thank you.

Ingrid Cook, Joseph, Oregon 97846

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Virus-free. [www.avg.com](http://www.avg.com)

**Archived:** Monday, September 12, 2022 9:58:25 AM

**From:** [Saundra Bj](#)

**Mail received time:** Sun, 11 Sep 2022 05:11:25

**Sent:** Sat, 10 Sep 2022 22:11:26

**To:** [ORLawEnf Commmission](#)

**Subject:** Police misconduct without clear and significant consequences breeds mistrust

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Just read some actions that could be taken by law enforcement for unsavory police conduct. Need more transparency for the public and punishments that meet the crime. A reprimand for sexual assault by a police officer!? See Sierra club September newsletter. Guess I thought you guys were held to a higher moral standard. Maybe defunding some of the police areas might work out better - less staff but better and smarter quality personnel? - like medical staff are!

**From:** [Annie Francoise](#)

**Mail received time:** Sun, 11 Sep 2022 13:09:07

**Sent:** Sun, 11 Sep 2022 06:09:01

**To:** [ORLawEnf Commmission](#)

**Subject:** Police misconduct without clear and significant consequences breeds mistrust

**Importance:** Normal

**Sensitivity:** None

**Archived:** Monday, September 12, 2022 9:59:33 AM

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Be very mindful of the situation when you have to make a split decision. I am sure fear comes into play and might make you overreact. Why not use tasers or if you must shoot at someone, shoot in the legs not the torso.

Sent from my iPad

**Archived:** Monday, September 12, 2022 10:00:57 AM

**From:** [Walt Mintkeski](#)

**Mail received time:** Sun, 11 Sep 2022 15:25:24

**Sent:** Sun, 11 Sep 2022 15:23:03 GMT**To:** ORLawEnfCommission@doj.state.or.us**Subject:** Police misconduct without clear and significant consequences breeds mi strustX

**To:** [ORLawEnf Commission](#)

**Subject:** Police misconduct without clear and significant consequences breeds mi strust

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

To the Oregon Law Enforcement Commission:

I am writing to urge you to propose clear standards for police conduct which will protect citizens and provide clarity for police officers.

I am especially concerned that the guidelines propose no consequences for membership in white supremacist or hate groups such as Oath Keepers, a group which played a significant role in the Jan 6 attack on the U.S. Capitol. Membership in these groups should be grounds for permanent firing.

Thank you for considering my comments,

Walt Mintkeski  
Portland, OR



**From:** [stephen a johnson](#)

**Mail received time:** Sun, 11 Sep 2022 15:45:37

**Sent:** Sun, 11 Sep 2022 08:45:32

**To:** [ORLawEnf Commission](#)

**Subject:** Police misconduct without clear and significant consequences breeds mistrust

**Importance:** Normal

**Sensitivity:** None

**Archived:** Monday, September 12, 2022 10:02:25 AM

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\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\*

Portland police & police forces across the country are a militaristic force that regards itself as “the law” & not as public servants. They regard themselves as privileged, superior, & entitled to command citizens to obey them or be shot to death.

Police forces are an extension of vigilantes who organized themselves to catch runaway slaves and & return them to bondage & forced labor. They are filled with people who have a distorted concept that fear & brutality toward others will guarantee an orderly society. They are filled with people who believe in the idea that America is a country where white Christians should dominate our culture & public education system.

We have developed technology that can do jobs now relegated to police. Cameras & computers can monitor traffic omitting the need for police in cars stopping & confronting drivers, fees can be collected by technological means. People have the right to protest & demonstrate against government. Current means of crowd control by police is brutal & unnecessary, Portland has been especially brutal & racist.

Don't defund police, redirect funding toward a higher level of expectations of social order that includes adequate crisis management & intervention by mental health professionals.

Sent from my iPhone

**From:** [Peter Kokopeli](#)  
**Mail received time:** Sun, 11 Sep 2022 16:01:47  
**Sent:** Sun, 11 Sep 2022 09:01:43  
**To:** [ORLawEnf Commission](#)  
**Subject:** Commission guidelines for misconduct  
**Importance:** Normal  
**Sensitivity:** None  
**Archived:** Monday, September 12, 2022 10:03:48 AM

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\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\*

I am writing to express support for clear and consistent penalties for officer misconduct. For example, officers should be fired without any option for mitigating factors when they use excessive physical or deadly force that seriously injures or kills someone.

Clear guidelines will help prevent future instances of repeated misconduct by individual officers that tarnish the reputation of an entire department.

Peter Kokopeli  
Portland, OR

**Archived:** Monday, September 12, 2022 10:05:37 AM

**From:** [Dan Davis](#)

**Mail received time:** Sun, 11 Sep 2022 16:14:29

**Sent:** Sun, 11 Sep 2022 16:14:23

**To:** [ORLawEnf Commission](#)

**Subject:** Police misconduct without clear and significant consequences breeds mistrust

**Importance:** Normal

**Sensitivity:** None

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Dan Davis  
dan.davis55@aol.com

**Archived:** Monday, September 12, 2022 10:06:54 AM

**From:** [Sue](#)

**Mail received time:** Sun, 11 Sep 2022 18:19:48

**Sent:** Sun, 11 Sep 2022 18:19:36

**To:** [ORLawEnf Commmission](#)

**Subject:** Police misconduct without clear and significant consequences breeds mistrust

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Please ensure accountability for our state's law enforcement officers. Make the laws clear and enforceable. We cannot tolerate misbehavior.

Thank you,  
Susan Mattenberger  
Klamath Falls, Oregon

[Sent from the all new AOL app for iOS](#)

**Archived:** Monday, September 12, 2022 10:08:20 AM

**From:** [Marceline Geary](#)

**Mail received time:** Sun, 11 Sep 2022 20:11:21

**Sent:** Sun, 11 Sep 2022 13:11:06

**To:** [ORLawEnf Commission](#)

**Subject:** Police misconduct without clear and significant consequences breeds mistrust

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\*** This email originated from outside of DOJ. Treat attachments and links with caution. **\*CAUTION EXTERNAL EMAIL\***

**From:** [jim dundee](#)

**Mail received time:** Sun, 11 Sep 2022 21:21:48

**Sent:** Sun, 11 Sep 2022 14:21:41

**To:** [ORLawEnf Commission](#)

**Subject:** Police misconduct without clear and significant consequences breeds mistrust

**Importance:** Normal

**Sensitivity:** None

**Archived:** Monday, September 12, 2022 10:09:41 AM

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\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\*

Hello, It's very important going forward to establish clear and significant consequences for police behavior. This is a win win for all stakeholders. Police and Commissioners as well as protesters will know clear and conscience rules for protesting. Protesting is a natural law afforded to citizens to present a different viewpoint. Police need to understand the consequences if their emotional behavior obstructs or injures a person or persons during a lawful movement or protest.

Signed,

Jim Dundee

Sent from my iPhone

**Archived:** Monday, September 12, 2022 10:11:11 AM

**From:** [Judy Boles](#)

**Mail received time:** Sun, 11 Sep 2022 22:28:23

**Sent:** Sun, 11 Sep 2022 15:28:18

**To:** [ORLawEnf Commission](#)

**Cc:** [Boles 4](#)

**Subject:** Comment on proposed statewide police standards

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

To the Commission;

My name is Judy Boles. I have been involved in advocacy for targeted individuals through the work of the Sanctuary Committee of Temple Beth Israel in Eugene. I support the establishment of statewide standards for police conduct. In reviewing the proposed rules, it is clear however that the following Rules allow for a mitigated sanction that is woefully inadequate given the nature of the conduct. My underlined Comments are given for each of the following rules:

Rule: 265-010-0001 Sexual Assault. The rule permits a written reprimand as the sanction for sexual assault. Comment: In no case is a written reprimand an adequate sanction for sexual assault. It should be stricken from the rule.

Rule:265-010-0005 Sexual Harassment. The rule permits a written reprimand as the sanction for sexual harassment. Comment: In no case is a written reprimand an adequate sanction for sexual harassment. It should be stricken from the rule.

Rule: 265-010-0010 Assault. The rule permits a written reprimand as the sanction for assault. Comment: In no case is a written reprimand an adequate sanction for assault. It should be stricken from the rule.

Rule: 265-010-0015. Unjustified or Excessive Use of Physical or Deadly Force. The rule permits a written reprimand as the sanction for unjustified or excessive use of force. Comment: In no case is a written reprimand an adequate sanction for unjustified or excessive use of force. It should be stricken from the rule.

Please acknowledge receipt of this email.

Sincerely,

Judy Boles (she/her)

[judy.boles@comcast.net](mailto:judy.boles@comcast.net)

**Redacted**

KK7HCH

Archived: Monday, September 12, 2022 10:12:34 AM

From: [Emily Heilbrun](#)

Mail received time: Mon, 12 Sep 2022 00:25:14

Sent: Sun, 11 Sep 2022 17:24:33

To: [ORLawEnf Commission](#)

Subject: Comment on Proposed Rules

Importance: Normal

Sensitivity: None

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**\*CAUTION EXTERNAL EMAIL\*** This email originated from outside of DOJ. Treat attachments and links with caution. **\*CAUTION EXTERNAL EMAIL\***

To the Commission;

I support the establishment of statewide standards for police conduct. but I urge you to vote NO on the proposed standards. They are inadequate for the following reasons:

**(1)The following proposed rules allow for a mitigated sanction that is woefully inadequate given the nature of the conduct.** My underlined comments are given for each of the following rules:

Rule: 265-010-0001 Sexual Assault. The rule permits a written reprimand as the sanction for sexual assault. Comment: In no case is a written reprimand an adequate sanction for sexual assault. It should be stricken from the rule.

Rule:265-010-0005 Sexual Harassment. The rule permits a written reprimand as the sanction for sexual harassment. Comment: In no case is a written reprimand an adequate sanction for sexual harassment. It should be stricken from the rule.

Rule: 265-010-0010 Assault. The rule permits a written reprimand as the sanction for assault. Comment: In no case is a written reprimand an adequate sanction for assault. It should be stricken from the rule.

Rule: 265-010-0015. Unjustified or Excessive Use of Physical or Deadly Force. The rule permits a written reprimand as the sanction for unjustified or excessive use of force. Comment: In no case is a written reprimand an adequate sanction for unjustified or excessive use of force. It should be stricken from the rule.

**(2) The proposed standards do not include repercussions for officers who join hate groups.** Officers connected to white supremacist organizations should not be allowed to continue working without consequences.

Thank you for your work and for the opportunity to comment.

Sincerely,

Emily Heilbrun

Redacted



**Archived:** Monday, September 12, 2022 10:14:22 AM

**From:** [jackpatrizio@aol.com](mailto:jackpatrizio@aol.com)

**Mail received time:** Mon, 12 Sep 2022 00:50:13

**Sent:** Mon, 12 Sep 2022 00:50:08

**To:** [ORLawEnf Commmission](#)

**Subject:** Police misconduct without clear and significant consequences breeds mistrust

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Our police must be supported in their work.

Part of "support" is to hire enough officers and to not put them on the job until adequately trained.

Part of "support" is in clearly defining the job they are expected to do, and in limiting the number of things they are expected to do.

Part of "support" is to train officers thoroughly in ways to de-escalate situations.

The job certainly includes protecting **all** citizen from harm, including police excess. This means conducting thorough background checks on a national basis before hiring a person. It means precluding candidates who belong to racist and anarchic groups. It means accepting the decisions of Police Oversight Boards and standing up to the Officer's Association.

Also, the police need to be protected from some of their own. Those whose excesses hurt not only citizens, but also fellow officers. (Think Clark County, WA.)

J. E. Patrizio

**Archived:** Monday, September 12, 2022 10:15:34 AM

**From:** [Philip Ratcliff](#)

**Sent:** Mon, 12 Sep 2022 04:37:40

**To:** [ORLawEnf Commission](#)

**Subject:** Police misconduct without clear and significant consequences breeds mistrust. The police should be required to wear body cameras, and have dashboard cams in their patrol cars.

**Importance:** Normal

**Sensitivity:** None

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Philip Ratcliff, Salem OR

**Archived:** Monday, September 12, 2022 10:16:42 AM

**From:** [Noelle Smith](#)

**Mail received time:** Mon, 12 Sep 2022 14:21:37

**Sent:** Mon, 12 Sep 2022 07:21:22

**To:** [ORLawEnf Commission](#)

**Subject:** Police misconduct without clear and significant consequences breeds mistrust

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Hello OR Law Enforcement Commission,

I'm writing today to urge you to **say NO to the current proposed standards because they will NOT keep law enforcement accountable.**

**These standards are NOT acceptable and will do harm. Current standards being proposed by this Commission include:**

- NOT OKAY: The penalty for sexual assault by a police officer can be as low as a written reprimand.
- NOT OKAY: If a cop injures or kills someone with excessive physical force, the penalty can be as low as a written reprimand.
- NOT OKAY: Penalties for engaging in racism or discrimination can be as low as a suspension, salary reduction, or demotion.
- NOT OKAY: No consequences for membership in a hate group such as Oath Keepers, a group that played a significant role in the Jan 6 attack on the U.S. Capitol.

Please change these proposals to keep law enforcement accountable.

Thank you for your time,

Noelle  
PDX resident

**Archived:** Monday, September 12, 2022 10:19:38 AM

**From:** [Darrell Buckner](#)

**Mail received time:** Mon, 12 Sep 2022 17:08:41

**Sent:** Mon, 12 Sep 2022 10:08:32

**To:** [ORLawEnf Commission](#)

**Subject:** Standards of Conduct and Discipline

**Importance:** Normal

**Sensitivity:** None

**Attachments:**

[Letter re Police Commission.docx](#);

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Virus-free. [www.avast.com](http://www.avast.com)

St. Luke's Episcopal Church  
Grants Pass, Oregon 97526  
09/10/2020

re: Law Enforcement Standards of Conduct and Discipline

Dear Commissioners,

A law passed by Oregon lawmakers in 2021 requires the state to create conduct and discipline standards for police officers across Oregon. The "Commission on Law Enforcement Standards of Conduct and Discipline" was formed to create these across-Oregon police standards.

However, it seems that certain police and their associates are co-opting this commission process to weaken standards for police across the state. This is certainly disappointing since we believe that most of the women and men who serve their communities as police officers are not threatened by standards that propose accountability.

Some of the "standards" proposed by this current Commission however will not create accountability when police officers cause harm. The Social Justice Committee of St. Luke's Episcopal Church in Grants Pass wishes to go on record to assert that:

- It is unacceptable that if a police officer commits a sexual assault or seriously injures or kills someone with unjustified or excessive physical force, that the penalty can be as low as a written reprimand.
- It is unacceptable that a police officer engaging in racism or discrimination, can keep their job with penalties as low as a suspension, salary reduction, or demotion.
- It is unacceptable that a police officer can join a hate group like the Oath Keepers - a group that played a central role in the January 6 attack on the U.S. Capitol - and there is no consequence.

Without accountability there can be no respect and no feeling of safety in our communities and we ask you to review these standards with that in mind. Say no to the proposed standards that do not make "offending police officers" accountable. Thank you for your kind attention to our letter.

Sincerely,

The Social Justice Committee of St. Luke's Episcopal Church

Archived: Monday, September 12, 2022 10:34:34 AM

From: [Barbara Kenny](#)

Mail received time: Mon, 12 Sep 2022 17:24:14

Sent: Mon, 12 Sep 2022 10:24:09

To: [ORLawEnf Commission](#)

Subject: Regarding Proposed Discipline Standards

Importance: Normal

Sensitivity: None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Dear Commissioners,

Thank you to the Commission for the opportunity to submit both written and verbal comment, and for the work you have done so far in developing the draft standards of conduct and discipline for police officers across all of Oregon. This is an extremely important topic, as unfortunately I know from lived experience.

My 33 year old child was unnecessarily beaten, tased, shot and killed by four Springfield police officers in less than five minutes on March 31, 2019 at a botched traffic stop. As an indication of the egregiousness of the episode, our lawsuit ended with the largest monetary settlement in Oregon history for police violence along with eight “affirmative relief” policy and procedure changes to the Springfield Police Department (SPD). Here is a link to the independent Critical Incident Review by Michael Gennaco of OIR Group. ([https://www.oirgroup.com/files/ugd/d85a96\\_7ed6a497dee8487c980fa7efdfe1bd9f.pdf](https://www.oirgroup.com/files/ugd/d85a96_7ed6a497dee8487c980fa7efdfe1bd9f.pdf))

Based on my experiences around this event, which I describe below, I offer the following seven recommendations to the Commission.

- 1) Explicitly define “excessive” use of force.
- 2) Explicitly define “justified” use of force and “justified” use of deadly force. There is a difference between “justified” and “legal.”
- 3) Explicitly define the *process* leading up to the imposition of discipline, including the investigation, the decision, and the use of mitigating factors. For example, how is the investigation conducted? Who conducts it? How does the public know the investigation is unbiased and fair?
- 4) Explicitly define how mitigating factors might be used to reduce a disciplinary consequence, and who decides.
- 5) Recommend to the Legislature that they replace Senate Bill 111, which defines how use of deadly force incidents are investigated, with a *credible* independent state level office similar to what Washington State has recently implemented (<https://www.opb.org/article/2022/05/18/rogoff-to-lead-new-washington-office-investigating-police-deadly-force/>)
- 6) Recommend to the Legislature that they add at least one family member to this Commission who has direct lived experience with the impact of police misconduct and/or violence.
- 7) Require, in addition to the stated discipline consequences, especially mitigated ones, that an officer who is determined to have violated any of the standards of conduct *apologize* to anyone harmed by their actions.

I will begin by describing what happened to the four officers who caused my child’s death— spoiler alert: there was no discipline. Two of the officers no longer work for SPD: one has since retired (outrageously, the Oregon Peace Officer Association awarded him a Purple Heart medal in 2019, presumably for breaking his wrist in a car crash *he caused* by shooting and killing the driver, <https://opoa.info/2019-awards-recipients>), and the other officer was fired 26 months later due to allegations of sexual misconduct —after he had been *promoted* to Sergeant (<https://www.registerguard.com/story/news/2021/06/07/springfield-police-sergeant->

[rosales-fired-misconduct-recruit-sexual-harassment/7510337002/](https://www.rosales-fired-misconduct-recruit-sexual-harassment/7510337002/) ). As for the other two, they remain on duty. These are two officers who, after breaking the car window and punching my unarmed, on-the-phone-with-911, seat-belted child repeatedly in the face, tried to drag him out of the broken window by his hair. And when that didn't work, they tased him in a manner that violated multiple manufacturer's recommendations for taser use, including length of shock time, taser barb placement, and simultaneous use. And yet none of the four officers involved suffered any employment consequences regarding their behavior that led to the death of my child, not even a conversation during a performance appraisal, let alone discipline. What happened to my child was both excessive AND unnecessary, and only "justified" in the sense that the actual homicide itself was ruled legal by a DA who considered only the microseconds during which the six shots were fired. The four and a half minutes leading up to the shooting contained an inordinate amount of excessive force that was never investigated.

So if these proposed standards had been in effect at the time of my child's death, would they have made any difference? Would there have been any accountability? Any discipline? I doubt it because the draft standards are completely silent on all of the *process* steps that must occur in an unbiased manner before there can be any consideration of discipline. First, the accusation of misconduct of an officer, whatever it is, must be *investigated* in an independent and impartial manner. If what truly happened isn't appropriately investigated and reported, how can there be a consideration of potential discipline? Second, someone (who?) must decide if the investigation has shown enough evidence to conclude that misconduct occurred. Finally, someone (who?) must determine if any one of SIXTEEN mitigating factors proposed in the draft standards were present and apply. All three steps need to be done in a fair, independent and consistent manner *prior* to any disciplinary action, and the draft standards are completely silent on this process.

In my experience with the use-of-deadly-force case that took the life of my eldest child, the very first step, the investigation itself, was flawed in multiple ways. It was flawed procedurally (see the Addendum to the Critical Incident Review by OIR that focuses on the *lapses* in the investigation into my child's death, [https://www.oirgroup.com/\\_files/ugd/c0d762\\_8436688329da4d9ba83ad8e384edb80a.pdf](https://www.oirgroup.com/_files/ugd/c0d762_8436688329da4d9ba83ad8e384edb80a.pdf)); it was flawed from a bias standpoint (local police officers investigating local police officers, even if technically they worked for different departments, and a supervising member who has himself *shot two people* in separate incidents to date, *killing one of them*, <https://web.archive.org/web/20220123033255/http://projects.registerguard.com/csp/cms/sites/web/updates/25500190-55/casterline-lane-deputies-deputy-sheriff.csp>); and it was flawed because it never investigated the excessive use of force prior to the shooting (just to reiterate, my seat-belted, on-the-phone-with-911, unarmed child was punched in the face roughly 20 times by four officers—one officer fractured his fist—and then simultaneously tased by two officers, and yet none of this was investigated as potential excessive use of force). So I am extremely skeptical that these draft discipline standards, as currently written, will make any difference at all in holding anyone accountable for anything.

To summarize, my suggestions are that, as a minimum, the Commission should:

- 1) Define "excessive" use of force. Is violating Taser manufacturer recommendations multiple times "excessive?" Is punching a passively restrained subject multiple times in the face "excessive?"
- 2) Define "justified" use of force and "justified" use of deadly force. There is a difference between "legal" or "non-criminal" and "justified."
- 3) Explicitly define the process leading up to the imposition of discipline, including the investigation, the decision, and the use of mitigating factors.
- 4) Explicitly define how mitigating factors might be used to reduce a disciplinary consequence, and who decides.
- 5) Recommend to the Legislature that they replace Senate Bill 111, which defines how use of deadly force incidents are investigated, with a *credible* independent state level office similar to what Washington State has recently implemented (<https://www.opb.org/article/2022/05/18/rogoff-to-lead-new-washington-office-investigating-police-deadly-force/>).
- 6) Recommend to the Legislature that they add at least one family member to this Commission who has direct lived experience with the impact of police misconduct and/or violence.
- 7) Require, in addition to the stated discipline consequences, especially mitigated ones, that an officer who is determined to have violated any of the standards of conduct *apologize* to anyone harmed by their actions. The officer who shot and

killed my child had the courage and decency to independently apologize after his retirement, and his (sincere) apology was meaningful to my family.

Thank you for the opportunity to provide input.

Barbara Kenny, Ph.D.

Mother of Stacy (Patrick) Kenny



# Independent Critical Incident Review and Analysis of the Officer-Involved Shooting Death of Stacy W. Kenny

March 2021

Presented by:  
Michael Gennaco





323-821-0586  
7142 Trask Avenue | Playa del Rey, CA 90293  
[OIRGroup.com](http://OIRGroup.com)

*It's not how we make mistakes, but how  
we correct them that defines us.*

Rachel Wolchin



# Introduction

On March 31, 2019, Stacy W. Kenny was shot and killed by Springfield Police Sergeant R.A. Lewis following a traffic stop. On September 18, 2020, a lawsuit filed by Kenny’s parents was settled for \$4.55 million dollars, believed to be the largest dollar settlement in Oregon history for a police shooting case. One of the terms of the settlement agreement was that the surviving family members could commission a critical incident and analysis of the incident with which the relevant authorities would cooperate. Subsequently and through the family’s attorney, Michael Gennaco of OIR Group<sup>1</sup> was contracted to conduct the analysis and prepare a written report setting out findings and recommendations.

This report focused on the investigation conducted by the Interagency Deadly Force Investigation Team (“IDFIT”)<sup>2</sup> investigation and the Springfield Police Department’s (“SPD”) subsequent administrative review mechanisms. The goal is to assess the objectivity and thoroughness of fact collection and the rigor of the subsequent internal review of involved officers’ actions.

In furtherance of that goal, Mr. Gennaco reviewed the investigative materials to determine whether IDFIT’s investigative policies and practices allowed for the development of a body of evidence that was adequate to the task of appropriately scrutinizing the involved officers’ actions and decision-making. He further reviewed those materials to learn whether current IDFIT protocols provided for effective and timely collection of evidence.

Mr. Gennaco also examined SPD’s incident review materials and protocols in order to learn whether those systems properly facilitated the ability of the Department to learn from critical events and adjust its practices to strengthen future performance. Finally, and based on an evaluation of the attributes and limitations in the current model, he devised recommendations to improve relevant SPD policies, practices, and protocols – thereby

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<sup>1</sup> Since 2001, Michael Gennaco of OIR Group has worked exclusively with government entities in a variety of contexts related to independent outside review of law enforcement, from investigation to monitoring to systems evaluation. As part of OIR Group’s oversight responsibilities for numerous jurisdictions, Mr. Gennaco has reviewed scores of officer-involved shootings and devised recommendations to improve attendant investigative and review practices.

<sup>2</sup> Under Oregon state law, the initial investigation of an officer-involved shooting is to be turned over to an interagency investigative team.

promoting not only appropriate accountability but also the identification and dissemination of beneficial “lessons learned.”

Based on this review, Mr. Gennaco found that there were significant gaps in the IDFIT investigation into the officer-involved shooting of Stacy W. Kenny. The report accordingly includes responsive recommendations. Additionally, and in light of the fact that no single entity controls the quality of IDFIT’s work product, OIR Group suggests that SPD (as a member of the interagency team) communicate these observations to partner agencies so that potential improvements can be adopted for the future.

Moreover, because the focus of the IDFIT investigation is limited to the use of deadly force, other issues critical to SPD – such as the use of force by officers preceding the shooting, their tactics and decision-making during the event, and crime scene maintenance – fall to the Department to consider and address when such incidents occur. IDFIT’s structurally narrow focus means that it is even more imperative that SPD collect the facts necessary to perform the wide-ranging analysis that is warranted by these incidents.

To SPD’s credit, during its internal review of the incident, it did identify a handful of “training issues.” However, the Use of Force Review Board did not provide a detailed summary of its proceedings that explained the context for its identified issues. Moreover, even though SPD’s Chief of Police expressly asked it to do so, the Review Board did not consider the approach, tactics, and decision-making by the three other officers (besides Sergeant Lewis) involved in the incident. Nor did the Review Board, contrary to its charge, assess the appropriateness of the force that the three additional officers used on Kenny. The Review Board also failed to opine on the appropriateness of the uses of force inflicted on Kenny by Sergeant Lewis prior to his deployment of deadly force. And when the Chief received the report from the Review Board that failed to consider his specific instructions, he did not return it to the Board to address these gaps.

Finally, with regard to the performance issues that were identified by the Review Board, there was no apparent plan to use the identification of performance issues in any systemic or meaningful way. The evidence is virtually nonexistent that SPD incorporated these issues into future training or learning or to even debrief the involved officers on the issues identified.

These shortcomings in SPD’s review process cast doubt on both the substantive legitimacy and the lasting value of the Department’s internal outcomes. In short, they create skepticism as whether any accountability, learning or remediation actually resulted from the agency’s review of the Kenny shooting. This report is intended to delineate these gaps and identify significant issues that could and should have been the focus for the Use of Force Review Board. The report also recommends remedial actions that *should* have

sprung from SPD's internal review process and devises recommendations to improve both the investigative and review process.

It is important to note that the current investigative and review structures have the capability to accomplish both a thorough and objective factual record and a robust, constructive review. However, our review of this incident finds that the initial investigation by the multi-agency team had significant investigative deficiencies. And SPD fell far short of reaching this potential and producing the sort of accountability, learning and remediation that an agency should demand of those entrusted with these critical functions.

This report, then, has both substantive and procedural observations about the underlying incident and SPD's ultimate responses to it. We are hopeful that SPD leadership considers this analysis and recommendations in the constructive, forward-looking spirit with which they are issued. An objective and thorough collection of the facts of a serious incident is indispensable for an effective review process. And an effective review process allows for accountability, learning, and course correction. When both elements are in place, the result is an effective feedback loop that better prepares that agency for similar future challenges, enhances officer safety, and potentially reduces incidences of deadly force. This report is intent on further developing a framework within which SPD can achieve each of these vital objectives.

# Methodology

For this review, OIR Group reviewed the investigative file produced during the discovery stage of the litigation. We reviewed reports, photographs, statements, and the interviews of witnesses and involved officers. We also reviewed depositions of key individuals, including the involved officers that were produced pursuant to the lawsuit. Finally, we had an opportunity to speak with representatives of the City and the Police Department to have a better understanding of some processes that were not entirely spelled out in writing.

# Factual Summary

Several months prior to the officer-involved shooting, Kenny's parents had met with a Springfield officer to advise that their son Patrick Kenny had a history of schizophrenia, that he had not been taking his medication for approximately six to eight weeks, that he was engaging in odd behavior, that he was not hostile, that neither he nor any family member possessed firearms and that they were alerting law enforcement so that law enforcement would have situational awareness and react appropriately, were they to encounter him.<sup>3</sup> The officer who met with the parents placed an "alert" in SPD's database in order to provide that situational awareness to Springfield police officers who might come into contact with Kenny.

At about 9 p.m. on March 31, 2019, Stacy W. Kenny was driving in the City of Springfield when Officer Kraig Akins started to follow her (without emergency lights), and Kenny immediately pulled over to the side of the street. Officer Akins stopped his patrol vehicle behind Kenny's vehicle, activated his overhead lights and exited his patrol car, but did not speak to Kenny, nor approach.

After standing outside his patrol car for approximately 30 seconds, Officer Akins observed Kenny slowly roll down the driver's window, toss a small sound-making device towards him, wait a few more seconds, and drive away at the posted speed limit. Officer Akins requested back up, returned to his car, followed Kenny with his overhead lights and siren activated, and Kenny pulled to a stop a second time. Officer Akins again exited his vehicle, drew his firearm, and yelled at Kenny to put her hands out of the window. Officer Akins observed Kenny roll down her window and heard her ask why she was being followed. Officer Akins continued to yell orders at Kenny to put her hands out of the

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<sup>3</sup> Since that meeting, Patrick Kenny transitioned to Stacy Kenny and began identifying as a female.



window and turn the car off. He then observed and heard Kenny sound an air horn, roll her window back up and again drive away at or below the posted speed limit.

Officer Akins returned to his car, followed behind Kenny with lights and siren activated and observed Kenny pull over to the curb and stop a third time. As Kenny did so, Sergeant Richard "R.A." Lewis stopped his police vehicle a few feet in front of and facing Kenny's vehicle, in an attempt to block it. Sergeant Lewis immediately exited his vehicle, drew his firearm, and approached the passenger side of Kenny's vehicle. As he did so, dispatch announced via radio that Kenny was on the phone with a 911 operator. Sergeant Lewis observed Kenny talking on her cell phone but neither he nor any other responding officer claimed to have heard this radio transmission.

Officer Akins approached the driver's side window of Kenny's vehicle, directed Sergeant Lewis to "smash out the windows" and immediately began breaking out the driver's side window. After Officer Akins smashed the driver's side window, he ordered Kenny to come out of the vehicle and show him her hands. Officer Akins said he then attempted to pull Kenny from her vehicle by her hair and, after being unable to do so, punched her 7 to 13 times in the face. Officer Akins said that Kenny activated an air horn twice in Akins' ear during this interval.

While Officer Akins was punching Kenny, additional backup Officer Robert Rosales arrived at the driver's side window, grabbed Kenny by the hair and attempted to pull her from the vehicle. After he was unsuccessful in doing so, Officer Rosales struck Kenny multiple times with his fists. Officer Rosales told investigators that as he and Officer Akins were striking Kenny with "focused blows", Kenny was "fighting back". Officer Robert Conrad then arrived and joined Officers Akins and Rosales at the driver's window. Officer Conrad grabbed one of Kenny's arms and attempted to pull her out of her vehicle, but instead pulled off Kenny's sweatshirt. Officer Conrad then said "Taser" and activated his Taser with multiple deployments. Officer Akins also deployed his Taser multiple times at Kenny.<sup>4</sup>

Meanwhile, Sergeant Lewis broke the passenger window of Kenny's vehicle, unlocked the door and entered the vehicle. After Sergeant Lewis entered Kenny's car, he immediately punched Kenny several times in the face. Sergeant Lewis said it appeared as if Kenny were striking back at the officers at the driver's side of the vehicle. According to Sergeant Lewis, the officers advised him to cut the seatbelt. Sergeant Lewis said he then pulled out his flashlight and attempted to locate the keys to disable the vehicle but could not locate any as a result of the vehicle being electric. Sergeant Lewis said that while he was looking for the keys, the car lurched forward, struck his patrol car, and continued around his car.

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<sup>4</sup> Officer Conrad stated that he and Officer Akins deployed their Tasers on Kenny simultaneously.

Sergeant Lewis said he had one of his legs outside of the car but as the car accelerated forward, he placed his leg entirely within the car.

Sergeant Lewis said that he then punched Kenny two more times to the face and tried to grab the steering wheel but to no effect. Sergeant Lewis said that he then struck Kenny with the butt end of a knife, but the car continued to accelerate toward a row of trees. Sergeant Lewis advised that he pleaded with Kenny to stop the car and that she was going to kill them both, but there was no reaction from Kenny. Sergeant Lewis said he then fired three rounds at Kenny's side torso, causing her to flinch once but displaying no other reaction. Sergeant Lewis then said he shot Kenny once in the head, but the car kept going toward the trees.<sup>5</sup> Sergeant Lewis stated he tried to again grab the steering wheel, but the car hit the trees, crossed the road, struck a fence, and finally crashed into a van.

Kenny died as a result of the gunshot wounds to her head. Sergeant Lewis was treated for a broken arm and other injuries while Officer Akins was treated for a fracture to his hand.

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<sup>5</sup> Sergeant Lewis indicated that he had fired four rounds, when in actuality he fired six, with three striking Kenny in the torso and two in the head. One round missed striking Kenny.

# Investigative Issues

As indicated above, the investigation of officer-involved shootings in Lane County are conducted by the County's Interagency Deadly Force Investigation Team ("IDFIT"), comprised of contributing law enforcement investigators from within the County. The lead IDFIT investigator for the Kenny shooting was a detective from the Eugene Police Department. The IDFIT protocols allow for participation of an investigator from the agency of the involved officers; accordingly, a detective from SPD participated in the investigation.

A review of the investigative file revealed significant gaps in the IDFIT investigation, a lack of investigative protocols and resulting lack of uniformity in fact collection, and existing protocols that are inconsistent with best practices.

## No Crime Scene Log Prepared

It is standard investigative practice to seal off and preserve a crime scene while photographs and collection of evidence are undertaken. As part of that practice, a crime scene log is prepared in which individuals within the crime scene perimeter are identified, and any additional entries or departures of individuals into the crime scene are noted. In this case, there were apparently no attempts to establish a crime scene log. Accordingly, there are no precise records on who was at the initial crime scene, what individuals subsequently entered the scene, and when individuals departed from the scene. Nor does IDFIT apparently provide direction to participating agencies on the need to develop a crime scene log. This significant gap in investigative protocols must be addressed.

**RECOMMENDATION ONE:** SPD should develop protocols to ensure that a crime scene log is maintained for any officer-involved shooting that occurs in its jurisdiction.

**RECOMMENDATION TWO:** SPD should advocate that IDFIT improve its protocols to require each agency to maintain a crime scene log after an officer-involved shooting that occurs in its jurisdiction.

## Inadequate Scope of IDFIT Investigation

The IDFIT investigation focused almost exclusively on the use of deadly force by Sergeant Lewis. However, Sergeant Lewis' uses of force earlier in the incident as well as the uses of force by the other three responding officers were necessarily relevant to a full understanding and assessment of the eventual decision to use deadly force. Each preceding

instance of tactical decision-making and force by the officers set in motion the sequence of events that eventually resulted in the tragic outcome of this incident. It is incumbent upon any effective investigation of an incident such as this to explore the rationale for the various and interrelated decisions and force deployments by each participating officer.

The IDFIT interviews had each of the officers narrate their story but did not delve into the critical decision-making and tactics each deployed. As a result, the investigation does not provide the facts necessary to better understand the origins of the incident and allow full evaluation of Sergeant Lewis' decision to use deadly force.

RECOMMENDATION THREE: SPD should advocate that the IDFIT protocols be modified to ensure a broad scope of initial fact collection, including a full exploration of any tactical decision-making and related force options preceding the use of deadly force.

## Failure to Segregate Involved Officer and Witness Officers

The investigative reports reveal that after the shooting, Sergeant Lewis and Officer Akins were transported to the hospital for treatment of their injuries. Officer Rosales rode with Sergeant Lewis to the hospital and remained with him while he was being treated for his injuries. As a result, when the IDFIT team arrived at the hospital to interview witnesses and obtain a public safety statement<sup>6</sup> from Sergeant Lewis, the witness officers and the involved officer had the opportunity to share accounts of the event before being formally interviewed.

Basic investigative practices require segregation of witnesses and involved officers prior to formal interviews so that recollection of events is not contaminated by exposure to others' accounts. The need for such a practice is acute in the officer-involved shooting context because of concern that involved police personnel will either intentionally or inadvertently collude by sharing accounts of the event with each other. For that reason, all progressive police agencies have policies requiring that involved and witness officers are immediately segregated and chaperoned by an uninvolved officer until a "pure" statement can be obtained from the officers. SPD apparently has no such protocols and needs to adopt them to ensure that involved personnel do not share information about the event prior to being interviewed.

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<sup>6</sup> A public safety statement is a rudimentary account of the event from the involved officer in order to ensure all potential exigencies have been or are being addressed. Sample issues include accounting for all rounds in both number and direction, and determining whether additional suspects might be at large.

RECOMMENDATION FOUR: SPD should develop officer-involved shooting policies to ensure that involved and witness officers are segregated from each other and chaperoned until interviews of them can be accomplished.

## Inordinate Delay in Interviewing the Officer Who Used Deadly Force

Current IDFIT written protocols do not allow an interview of involved officers until at least 48 hours after the incident, unless the involved officer waives the requisite waiting period. In this case, Sergeant Lewis was not formally interviewed about his use of deadly force until five days after the incident. While there are indicia in the file of IDFIT's interest in interviewing him three days after the incident, the attorney representing him asked for a greater delay because he was out of town. This extension magnified the issue, but the current IDFIT protocol and Lane County practice is itself inconsistent with basic investigative principles of effective and objective fact collection.

It is critical for detectives conducting an officer-involved shooting investigation to learn immediately about the officers' actions, decision-making, and observations. Accordingly, obtaining a "same shift" statement is essential to any effective officer-involved shooting investigation. This is true because of the value of a "pure" statement that is contemporaneous and untainted by subsequent input. Obviously, the five-day passage of time before Sergeant Lewis was interviewed prevented the IDFIT team from obtaining a pure and contemporaneous statement. Moreover, such delays are so contrary to normal investigative protocols, these special procedures for officers involved in shootings fuel the perception among many segments of the community that police investigating police provide their colleagues with advantageous treatment not extended to members of the public.

Special rules such as these only serve to reinforce skepticism about the rigor and objectivity of such investigations. The investigative process in Lane County must provide for more timely interviews of officers involved in a shooting. Until it does so, much of the public that County law enforcement serves will quite reasonably not have confidence in its approach or outcomes.

Agencies that have imposed a 48-hour rule and have routinely delayed interviews of involved personnel have reportedly done so under the supposition that recollection is improved over time. However, objective research has debunked this notion. See, for example, "What Should Happen After an Officer-Involved Shooting? Memory Concerns in Police Reporting Procedures," *Journal of Applied Research in Memory and Cognition*, 5

(2016) 246–251, Rebecca Hofstein Grady, Brendon J. Butler, and Elizabeth F. Loftus. The proponents of the delayed approach are largely limited to either police associations or those who regularly defend police in officer-involved shootings. And importantly, none of them contend that a five-day delay, as occurred here, provides the best time frame for conducting such interviews to maximum effect.

We understand that as one participant in an interagency group, SPD has a voice but not the final authority in how the protocols are developed. Nonetheless, we urge SPD to exercise that voice in getting the protocols modified to align with best investigative practices. And if IDFIT insists on delaying the criminal interview for multiple days, there is no apparent prohibition to SPD’s conducting an administrative interview<sup>7</sup> of the involved officer before the end of the officer’s shift.<sup>8</sup> For that reason, until the IDFIT interview is modified to be consistent with best investigative standards, we recommend that SPD administratively interview officers involved in shootings prior to end of shift.

RECOMMENDATION FIVE: SPD should work with its County partners to modify the IDFIT protocols so that same shift interviews of officers involved in deadly force incidents occur.

RECOMMENDATION SIX: Until the IDFIT protocols are appropriately modified, SPD should conduct administrative interviews of involved officers prior to the end of shift.

## Inconsistency in Collection of Witness Officer Accounts

The IDFIT protocols do not provide for consistency in how accounts of witness officers are collected. As a result, there is a wide variation on how those accounts are obtained, which is not consistent with best investigative practices. For example, a tape-recorded interview was conducted of Officer Akins and that interview was transcribed. Yet the interview of Officer Rosales was not tape recorded, and only a summary of this interview was prepared. As for Officer Conrad, his interview was not tape recorded, but an initial summary was prepared and provided to Officer Conrad several days later – at which time he was able to review and provide “additions,” which he did. Moreover, as noted above, there was no consistency in where the witness interviews were obtained: Officer Conrad’s

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<sup>7</sup> While the criminal investigation into an officer-involved shooting addresses the legality of an officer’s use of deadly force, an agency’s administrative review relates to issues of compliance with internal policy. As discussed below, it ideally also takes a holistic look at operational issues that potentially merit a broader agency response.

<sup>8</sup> We recognize that exceptions to the “same shift” timeline may be necessary in the (rare) case of an officer having been hospitalized and seriously injured. That was not the case here.

interview was conducted at the scene, while the interviews of Officers Akins and Rosales were conducted at the hospital.

The significance of officer-involved shooting investigations demand consistency in how and where officer witness information is collected. Witness officer statements should be obtained in an interview room at a law enforcement facility with video-taping capability. And those interviews should take advantage of those interview room capabilities so that witness officers' demonstrations of movements and positioning can be captured. Finally, all witness officer recorded statements should be transcribed and both the recording and transcription included in the investigative file.

**RECOMMENDATION SEVEN:** SPD should advocate that IDFIT adopt consistent witness officer interview protocols as follows:

- a. Statements should be obtained in an interview room equipped with video-taping ability.
- b. Statements should be video recorded.
- c. Statements should be transcribed and both recordings and transcriptions included in the investigative file.

## No Follow Up Interview of Witness Officer

The investigative file reflects that, after Officer Akins was interviewed, he reached out to the SPD member of the IDFIT team and advised that he had forgotten to tell the initial interviewer about significant parts of the event: specifically, that Kenny had repeatedly struck him as he tried to pull her from the car. While the SPD officer documented this encounter in a supplemental report, there was no subsequent interview of Officer Akins by the IDFIT team.

Standard investigative practices instruct that whenever a witness wishes to provide additional information, the investigative team should oblige and formally capture it. The IDFIT investigative team did not do so in this investigation. Training and protocols need to be devised so that such information is collected for future investigations.

**RECOMMENDATION EIGHT:** SPD should advocate that IDFIT provide training and develop protocols for its members to ensure that all information volunteered about an officer-involved shooting is formally and systematically collected.

## Interview of Involved Officer Not Tape Recorded

When Sergeant Lewis was eventually interviewed, his interview was contemporaneously transcribed, but no recording of the interview was made. This technique is inconsistent with best investigative practices; virtually all law enforcement investigative interviews are tape-recorded. While a transcription of an interview is vastly preferable to a summary, an actual recording captures non-verbal cues that provide important context to any interview. For that very reason, in our twenty years of reviewing officer-involved shooting investigations, we have found value in listening to the tape recording of key interviews rather than simply relying on the transcript. In short, there is no investigative justification for not making the recording, and significant argument in favor of it.

Additionally, body movements are often critical to an understanding of an officer-involved shooting incident, and such movements are often demonstrated by interview subjects when describing what occurred. Neither a transcript nor an audio recording captures such information. But video recording does and is routinely used in civil depositions for that reason. Similarly, witnesses in court hearings appear in person so that the finders of fact can evaluate those non-verbal cues.

Adopting these best practices to the officer-involved shooting investigation context ensures a more effective and complete collection of information from witnesses. For that reason, SPD should work with its regional partners on adoption of video interviews of involved officers and witnesses to officer-involved shootings.

RECOMMENDATION NINE: SPD should advocate for developing IDFIT's protocols to require video interviews of involved officers to deadly force events.

## Delayed Capture of Officer Response and Involvement

When an officer-involved shooting investigation is commenced, one of the fundamental responsibilities of investigators is to identify the involved officers as well as witness officers to the incident. Another expectation is that officers who are not directly involved in the incident but responded to the scene are asked to document their involvement in a written report. However, in this case, records indicate that responding officers did not contemporaneously document such involvement and observations. In fact, it appears that several days passed before the IDFIT team requested the preparation of such reports. And, as noted above, because no crime scene log was maintained, it was impossible for IDFIT investigators to ensure that all responding officers did provide the requested reports.

This delayed preparation of reports is another indication of the need to modify the IDFIT protocols to ensure that all law enforcement members that respond to an officer-involved shooting scene or have any involvement in the incident prepare a contemporaneous report



documenting observations and tasks. And SPD should similarly create written protocols ensuring that any personnel who respond to an officer-involved shooting prepare written reports of their activity.

RECOMMENDATION TEN: SPD should advocate that IDFIT revise their officer-involved investigative protocols to ensure contemporaneous preparation of reports by law enforcement personnel that respond to an officer-involved shooting or are otherwise involved in collateral responsibilities relating to the investigation.

RECOMMENDATION ELEVEN: SPD should create written protocols indicating its expectation that personnel who respond or carry out tasks relating to the officer-involved shooting investigation and who are not going to be interviewed contemporaneously document their observations and any duties.

## Missed Analysis of Taser Deployment

The investigative files reveal that after the incident, the two Tasers deployed in this incident were downloaded for some basic informational data. The downloaded information revealed that one Taser was deployed four times for 5, 6, 4 and 22 seconds respectively; the other Taser was deployed three times for 5, 5, and 29 seconds respectively.<sup>9</sup> The extended deployments identified by the data show that the last deployment by both Tasers were for an unusually long period and not in accord with the recommended five second deployment by the manufacturer.

Besides downloading this data and including it in the investigative file, there was no further analysis of the information by either the IDFIT investigators or SPD. As part of its contractual services, the manufacturer will provide a detailed analysis of Taser uses that provides helpful information about efficacy and other aspects of the deployment. Neither IDFIT nor SPD took advantage of this service; as a result, neither the criminal nor the administrative investigation benefited from the insight that such an analysis could reveal. Both entities should have ensured that a full Taser analysis was obtained from the manufacturer.

RECOMMENDATION TWELVE: Whenever a Taser is deployed in relation to an officer-involved shooting incident, investigative authorities should request a full analysis from the manufacturer.

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<sup>9</sup>Significantly and unfortunately, the investigation did not match the deployment patterns to the respective officers (though it easily could have).

# Deadly Force Review Issues

## SPD's Failure to Conduct an Administrative Investigation

Progressive police agencies recognize that there is a need to conduct an administrative investigation in order to fully address issues of accountability. Moreover, those agencies also recognize that an internal investigation will provide additional salient facts with which to identify training and policy issues. A robust internal investigation will involve, at a minimum, interviewing witness and involved officers to inquire of tactics, force options deployed, the consideration of de-escalation, and other decision making. Such a process facilitates not only individual performance analysis but also the identification of learning opportunities and other adjustments that could enhance the handling of future critical events.

Current SPD policy allows for the Department to conduct a separate administrative investigation. In the policy, it notes that involved officers shall be treated “with sensitivity.” The policy further instructs that “any in-depth interview shall take place in a non-coercive, neutral environment, removed from the scene.” The policy further indicates that the “interview site shall be chosen taking the emotional and physical state of the involved officer into account.” And the policy instructs that “every effort shall be made to minimize the number of interviews conducted.”

With due respect for the cautions and parameters mentioned above, we advocate supplemental interviews of involved officers as a matter of course. This is primarily because the focus of a criminal review is inevitably narrower than the full range of potentially significant performance and operational issues that such an incident encompasses.

The Kenny matter is one for which such a full-fledged review was particularly warranted. The incident featured several different officers, several critical inflection points, and several uses of force preceding the fatal shots; whole swaths of decision-making was not covered by the IDFIT investigation. However, despite policy that allows for and anticipates administrative investigations, SPD chose to conduct no further inquiry whatsoever of the involved sergeant and the three other officers. The failure of SPD to conduct any administrative interviews of its personnel resulted in a serious deficiency of facts with which to evaluate the performance of each of its involved officers and improve the agency's response to future events.

**RECOMMENDATION THIRTEEN:** As a matter of course in a critical incident review, SPD should conduct administrative interviews of witness and involved

officers to gain insight regarding tactics, decision-making, and other performance issues including the role of de-escalation techniques in the response.

## Other Limitations in SPD's Administrative Review Process

### Overview

Currently, SPD's Review of Deadly Force provides for the convening of a Use of Force Review Board after deadly force incidents. In accord with this policy, and less than a month after the incident, Chief Lewis prepared a memo instructing a lieutenant to chair a use of force board to determine findings of fact as to the circumstances surrounding the incident involving Sergeant Lewis.<sup>10</sup> The memorandum advises:

The board shall consider the reasonableness of all the officers' actions regarding the entire event from the initial contact to the conclusion of the incident.

The memo indicates that the board will also include SPD's use of force instructor, firearms instructor, and an officer selected by Sergeant Lewis. The memo instructs the board to make a written recommendation to the Chief and a final conclusion as to whether the use of force was within policy, plus any training recommendations deemed appropriate.

Approximately six weeks later, the board was convened. In a memo reporting the results of the board meeting, it noted that the board had unanimously found that the actions of Sergeant Lewis was found to be consistent with SPD's use of deadly force policy.

The memo also indicated that the board had identified training issues to be addressed with staff and to be forwarded to defensive tactics and firearms instructors. The memo listed the following training issues discussed by the board:

- Walking between patrol car and suspect car.
- Entering a suspect vehicle in an attempt to push a subject out.
- Having patrol car parked in front of suspect vehicle.
- Tools to use to cut seatbelts for removal of the suspect.
- Making sure all past mental health issues are entered into the law enforcement data bases.
- If the Taser deployment does not work what other use of force options are available.

Following the use of force review board's memorandum, Chief Lewis authored a memorandum to Sergeant Lewis indicating that he had found Sergeant Lewis' use of deadly force appropriate and justified per SPD policy.

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<sup>10</sup> Chief Lewis and Sergeant Lewis are not related.

## Use of Force Review Board Should Not Include Officer Advocate

Current policy provides for the involved officer to select an SPD representative to serve on the board as an apparent advocate for him or her. This protocol raises several concerns, most of which arise from the opportunity of this representative to vote on the outcome of the review as well as participate on the officer's behalf.

The officer being reviewed presumably chooses a person who will advocate for his or her interests in the discussion. Structural problems arise when that representative is also allowed to serve as one of the formal decision-makers – a role requiring an objectivity that advocacy precludes by its very nature. This clash of responsibilities has the potential to undermine fairness as well as public perceptions of the legitimacy of the process.

RECOMMENDATION FOURTEEN: SPD should modify its review policy to eliminate the ability of the involved officer to select a department member for the Use of Force Review Board.

## Lack of Sufficient Documentation of Review Board Meeting

The Review Board memo was a little over a page in length and provided no insight whatsoever into the analysis that caused the board to conclude that Sergeant Lewis' use of deadly force comported with SPD policy. No facts are cited in support of that conclusion, and the ten factors that SPD policy requires a body to consider in determining the reasonableness of any use of force are neither identified nor discussed. In short, the board's conclusion is not supported by facts or analysis and is accordingly not helpful in explaining – or justifying – the decision that was reached.

As significantly, while six training issues were identified, there again was no discussion on why the issues were identified and the type of training anticipated that would appropriately address these issues. Other than the listing of the issues, there was no discussion on how the issues impacted the incident and how training would improve future responses.

In sum, the Use of Force Review Board memorandum provided no real insight for the Chief of Police into why the board came to its conclusion on the propriety of deadly force and what issues concerned the board so that six items were identified as training issues. More guidance and greater expectations should be set out in writing with regard to documentation of Review Board deliberations.

RECOMMENDATION FIFTEEN: (A) SPD should set out in writing minimal expectations for documentation of its Use of Force Review Board deliberations, including requirements that each use of force event go beyond the mere question of the appropriateness of the force and considered in terms of:

- Tactical and other decision-making
- Policy
- Supervision
- Training
- Equipment

(B) SPD should require that the facts and analysis for any decision be set out in writing, and that any recommendations that are identified clearly describe the concerns that prompted them.

### Review Board's Failure to Address Specific Questions Requested by Chief of Police

As noted above, in the Chief's memo to the designated Review Board Chair, the board was to consider the reasonableness of all the officers' actions regarding the entire event, from the initial contact to the conclusion of the incident. However, a review of the subsequently produced memo demonstrates that the board only considered the reasonableness of Sergeant Lewis' actions –and these only as to his use of deadly force. The memo includes absolutely no reference to the uses of force and tactical decision-making of the other three involved officers. The memo includes absolutely no reference to the initial contact made by Officer Akins. And the memo includes absolutely no reference to the prior uses of force and decision-making by Sergeant Lewis in the lead up to the use of deadly force.

Even though the Board fell far short on what it was directed to do by its Chief of Police, when the Chief received the Board memo, he accepted it rather than send it back for fulfillment of his instructions. As a result, the Chief's assignment was not followed and the important internal analysis and insight that the Chief apparently initially requested and anticipated did not happen.

RECOMMENDATION SIXTEEN: In a deadly force event, the Use of Force Review Board should be tasked with reviewing all decision-making and uses of force from the inception of the incident and consider the performance of all involved officers, and any shortcomings or gaps in the analysis should be rectified through executive direction.

### Lack of a Mechanism for Implementation and Follow Through

As noted above, six items were identified as training issues but with little guidance on what training regimen would appropriately address those issues. And the litigation

revealed that no systemic after action had actually been developed to address the identified issues. Rather, the identified training issues were allowed simply to evanesce into the ether.

It is also apparent that SPD's current deadly force review process has no ability to ensure implementation and follow through of any recommendations advanced by the use of force review. The Review Board process provides no structure for developing an "action plan" with regard to training issues and assigning the development of a training curriculum designed to address the identified issues. There is also no mechanism for ensuring that any assignments – and their subsequent fulfillment – are reported back to the leadership of the organization. Simply put, there is no formal mechanism under current protocols to ensure implementation for even the most worthwhile of ideas.

Without subsequent action, the most insightful identification of issues and potential solutions is of no lasting benefit to a law enforcement organization. Someone must chart a path forward and ensure that the talk results in improvement. Unless there is a mechanism for ensuring that constructive suggestions are turned into action, those ideas are destined to die on the vine.

Accordingly, we recommend that SPD's General Orders be modified as follows:

Upon the conclusion of the Review Board meeting, and conditional on their approval by the Chief, the Chair will designate to a specified attendee the responsibility of implementing any recommended actions or identified training needs, along with a time certain for completion of the task.

The Chair (or a designee with command authority) will be personally responsible to ensure that the assigned measures are completed in both an effective and a timely manner.

**RECOMMENDATION SEVENTEEN:** SPD should devise protocols to ensure that any accepted recommendations or identified training issues emerging from the Use of Force Review Board (and endorsed by the Chief) are implemented by:

- Assigning the responsibility of implementation or development of training domains to specific SPD personnel.
- Delegating to an SPD command staff member the responsibility of ensuring effective and timely implementation.

## Providing Feedback to Involved Personnel

In addition to developing training to identify issues identified that could improve a law enforcement agency's response to future similar challenges, it is also critical that involved personnel receive the insight of the Review Board's assessment of the case through targeted debriefing. However, the litigation revealed that in this case, none of the involved officers, including Sergeant Lewis, received any formal feedback regarding their performance. It is true that, as detailed above, the board's narrowly scoped analysis would have limited the value of such a step. However, a fact-specific debrief with each involved officer could at least have pursued the identified training issues in an individualized way. But even this potential learning opportunity did not occur.

There is significant value to a process of providing information to involved personnel regarding specific issues considered and addressed by the SPD Use of Force Review Board. To effectuate this important feedback loop, we suggest that one Board member be assigned to provide an objective, unvarnished debriefing to involved personnel at the end of the process. In that same forum, the involved individuals could share their own perspective on the investigative and review process, as well as suggestions for improved future performance and readiness.

In order to remedy these deficiencies in SPD's current General Order, we recommend consideration of the following additional language:

The Chair will also designate to a specified attendee the responsibility of meeting with involved members and providing both a complete debriefing of issues raised during the Review Board process and an opportunity for members to provide their insights and perspectives.

The Chair (or designee with command authority) will be personally responsible for ensuring that this step occurs in a timely manner.

**RECOMMENDATION EIGHTEEN:** SPD should incorporate a debriefing phase into its Use of Force Review Board process that would provide involved officers with a forum for hearing the board's findings and analysis as well as an opportunity for the officer to share his or her own perspective.

## Further Gaps in SPD Analysis

### Use of Force Board's Failure to Consider Officer Akins' Failure to Access Kenny's Prior Mental Health Information

As noted above, several months prior to the officer-involved shooting, Kenny's family members had reached out to meet with an SPD officer to advise the Department of their son's mental illness and its potential implications. To that officer's credit, he entered the information into SPD's record management system.

As the investigation and subsequent litigation revealed, Officer Akins (the initial responding officer) claimed to have no inkling that he was dealing with a mentally ill person, yet he described some of Kenny's initial actions as "weird." Had Officer Akins taken the time to do so, he could have requested access to any prior contact history regarding Kenny – at which point the earlier information provided by the parents could potentially have been provided. Accessing that information would have provided Officer Akins a much fuller understanding of who he was dealing with and suggested the need for a tailored approach. Instead, Akins opted to engage by smashing out the driver's side window once Sergeant Lewis arrived on scene.

A fuller internal review could have explored the issue of officer access to information such as that which recently had been entered about Kenny's condition. If a request would have readily produced applicable information, SPD should have considered whether Akins' initial observations should have prompted him to make such an inquiry. Conversely, if a request from the field would *not* have easily yielded the information, SPD could have considered ways in which such information was more readily available to its officers. Yet SPD chose not to consider this issue at all during its internal review process, forfeiting the ability to refine protocols and expectations for the sake of future encounters.<sup>11</sup>

**RECOMMENDATION NINETEEN:** In relevant cases, SPD's Use of Force Review Board should expressly consider whether the officer met agency expectations for accessing available background information about subjects and

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<sup>11</sup> Curiously and as noted above, a "training issue" identified by the Use of Force Review Board was to make sure that all past mental health issues are entered into the law enforcement data bases. However, this training issue seemingly missed the point; the information is that the past mental health information provided by Kenny's family *was* entered into SPD's report management system. The larger issue that was not addressed by the Review Board was how accessible that information was and whether Officer Akins could have and should have taken the time to seek access to it.



should identify and remedy any systemic impediments to access of such information.

### Failure to Fully Consider Issues With 911 Call Center

During the litigation, it was learned that SPD had raised issues with the regional 911 service and the repeated failures to transfer SPD calls that involved SPD. Specifically cited as one of the examples of this problem was the Kenny officer-involved shooting, in which 911 received the call from Kenny and did not transfer it to SPD. While an email communication was sent expressing concern about this apparently structural and reoccurring problem, there is no further evidence that the systemic issue was fully addressed.

And while this issue was identified prior to SPD's internal review process, it was not apparently raised or considered by the Use of Force Review Board. Because of that omission, the board did not consider the implications of the failure to transfer the call and whether a timely transfer would have provided improved opportunities for the field officers to learn about Kenny's 911 call for help. And the use of force review team could have potentially devised a more structural "fix" to the failure to transfer calls that went beyond a mere memo expressing exasperation about the issue – which was the apparent sum and substance of the actual SPD response.

RECOMMENDATION TWENTY: SPD's Use of Force Review Board should consider any potential dispatch issues as part of any officer-involved shooting review and address any systemic issues identified.

### Failure to Consider Force in Terms of De-Escalation

In evaluating any use of force, police agencies are increasingly considering whether officers deployed de-escalation techniques. Officers are taught to consider techniques such as time, distance, reasoning, and talking with individuals in order to achieve voluntary compliance. When force is deployed, officers are asked, and supervisors are tasked with considering, whether (or why not) de-escalation options were considered or used prior to the force occurring.

In this case, there is no evidence that the responding officers considered de-escalation techniques; instead, each responding officer immediately resorted to force. At the outset of the third and final encounter, Officer Akins made no effort to speak with Kenny or advise her what to do. As noted above, after Officer Akins approached Kenny's vehicle, he immediately began to break out the driver's side window, directed Sergeant Lewis to do the same on the passenger side, and *then* ordered Kenny to show him her hands and exit the vehicle. After Officer Akins successfully broke the window, he grabbed Kenny by the hair and attempted to pull her out of the window. When that proved unsuccessful – likely

in part because Kenny remained seat belted – Officer Akins then repeatedly punched Kenny in the head.

After Sergeant Lewis entered the passenger side of the car, his first action was to repeatedly punch Kenny in the head. And when Officer Rosales joined the fray, his own first response was to grab Kenny’s hair and punch her repeatedly in the head. Finally, when Officer Conrad arrived, his first response was also to grab Kenny, resulting in pulling a sweatshirt off of her, He then deployed his Taser, and was joined in doing so by Officer Akins.

Officer Akins decision to immediately break the windows of the car left Kenny no time to ascertain what the officer wanted her to do and was in fact presumably agitating in a way that actually *countered* principles of de-escalation. And the near immediate severity, variety and intensity of force delivered to Kenny provided her little time to comply with officer commands. Moreover, after the officers finally recognized the futility of trying to pull a belted individual through a broken car window, there were no concerted efforts to put a pause on the physical aggression so that the belt could be unbuckled or cut away.<sup>12</sup>

A more disciplined approach by officers deploying de-escalation techniques could have resulted in a vastly different outcome. Had responding officers taken the time to do so, they may have ascertained the mental illness issues previously reported by the family and factored them into their approach. Had responding officers approached the vehicle more deliberately, they would have learned that Kenny was on the phone with a 911 dispatcher. With that knowledge, officers could have formulated a plan that took advantage of the communication initiated by Kenny to achieve compliance. And had the officers made an effort to reason with Kenny instead of overpowering her, they might have achieved their objectives without the need to resort to any force.

Despite SPD officers being trained on de-escalation techniques, SPD’s use of force board apparently did not consider the incident in terms of whether responding officers could have and should have deployed such strategies in dealing with Kenny. As a result, there was no assessment of whether responding officers performed consistent with Departmental expectations regarding use of such alternative strategies, or whether such deployment could have altered this tragic outcome. As a result, a potential accountability and learning tool with regard to these issues was forfeited by SPD.

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<sup>12</sup> While the litigation revealed that Sergeant Lewis had a knife that could have been used to cut away the seat belt, and while he was instructed by officers to do so, he did not use the knife in that way. Instead, he deployed the butt of the knife to strike Kenny in the head.

RECOMMENDATION TWENTY-ONE: SPD should develop policy requiring its officers to deploy de-escalation techniques prior to resorting to force when feasible.

RECOMMENDATION TWENTY-TWO: SPD should develop policy requiring its Use of Force Review Board to consider as part of its review whether involved officers followed its de-escalation training and policy.

### No Analysis Regarding Use of “Focus” Blows

The involved officers who repeatedly punched Kenny in the head prior to the use of deadly force referred to their use of force as “focus” blows. Also sometimes referred to as “distraction strikes,” hitting the subject in this manner has the purported aim of distracting the individual so that officers can then effectively grab arms and successfully bring the individual into custody. However, no involved officer articulated the goal of the focus blows in this way; rather, one officer indicated that one potential outcome of the punches to the head would be to render Kenny unconscious.

Police agencies have recognized the repeated, closed-fist punching of the head of a subject as presenting a significant danger of injury to both subject and officer alike. As a result, they are increasingly prohibiting its use or at least restricting it to strikes to the torso or less sensitive areas of the body. Moreover, to minimize any injury to both officers and subjects, officers are trained to use open palm strikes instead of closed fists. Finally, as with any option, if repeated use of the force option is not achieving the desired result, officers are instructed to stop – as opposed to the roughly 7-13 blows to the head that Officer Akins acknowledged delivering.

The Use of Force Board did not consider whether the “focus blow” force option used by three of the four involved officers was effective, advisable, or worthy of reconsideration. It should have. The board could have and should have recognized that the force option did not achieve the desired outcome in this case, and instead made it more likely that Kenny would take action to flee the continued pummeling of her face and head. The board could and should have recognized that the option caused a fracture of Officer Akins’s hand, and that Akins had similarly been injured when he repeatedly punched another subject in the head in a prior incident.<sup>13</sup> And the board could and should have either banned or restricted the use of focus blows to be more in concert with progressive principles of use of force for the safety of subject and officer alike.

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<sup>13</sup> Even Officer Akins himself apparently recognized this fact; in a City of Springfield form prepared for apparent worker’s compensation issues, he acknowledged that open palm strikes would reduce injuries to the hands of officers.

RECOMMENDATION TWENTY-THREE: In evaluating a deadly force incident, the board should consider and analyze the efficacy and appropriateness of all uses of force within the incident.

RECOMMENDATION TWENTY-FOUR: SPD should consider whether to eliminate the use of “focus blows” as a force option or at least restrict their use as follows:

- a. Prohibit focus blow strikes to the head
- b. Require focus blows to be delivered with palm strikes
- c. Require focus blows to be restricted to no more than three strikes

### No Analysis Regarding Sergeant Lewis’ Decision-Making

While, as detailed above, in identifying “training issues”, the SPD Use of Force Board made an oblique reference to Sergeant Lewis’ ill-advised decisions to park his vehicle whereby Kenny still had a viable escape route, to run between cars in his approach to Kenny, and to enter the passenger side of the vehicle, the Board did not tie the identification of these issues in any meaningful way to Sergeant Lewis. As a result, these and other problematic decisions by Sergeant Lewis failed to receive the attention they were due:

Deferring to Officer Akins regarding tactical approach of Kenny’s vehicle: As noted above, Sergeant Lewis arrived as Officer Akins began to approach Kenny’s vehicle. Immediately, Officer Akins instructed Sergeant Lewis to break out the passenger’s side window, escalating the approach in a way that eventually led to the tragic use of deadly force. It is unusual and curious that a supervisor would defer to the tactics set out by a subordinate officer rather than assume a command presence regarding the best way to respond to the situation. Moreover, a supervisor would be expected to want to learn more about the situation before rushing to perform a task dictated by his subordinate officer that would certainly escalate the encounter. Yet Sergeant Lewis did precisely as he was told to by Officer Akins and never exhibited supervisory control over the event. The Use of Force Board failed to consider these supervisory lapses.

Sergeant Lewis’ decision to immediately use force on Kenny: Sergeant Lewis reported that his first decision upon entering the vehicle was to strike Kenny repeatedly in the head. Because Sergeant Lewis was not asked, it is unclear why he did not precede the use of force with instructions to Kenny or otherwise try to de-escalate the situation. And it is also unclear what observations by Sergeant Lewis even justified the blows he delivered to Kenny’s head.

Sergeant Lewis’ failure to consider de-escalation techniques or deploy any learning resulting from his designation as SPD’s crisis intervention team coordinator. At the time

of the incident, Sergeant Lewis was responsible for the Department's crisis intervention training and the crisis intervention team coordinator. Yet at no time in the incident did Sergeant Lewis deploy any de-escalation techniques until the very end of the situation when he said he pleaded with Kenny to stop the car. And this plea came only after Sergeant Lewis had smashed the window of Kenny's car, struck Kenny repeatedly in the head, struck Kenny in the head with the butt of a knife, and tried to wrest the steering wheel from her and was subsequently followed by gun shots to Kenny's torso and head. The Use of Force Board failed to consider Lewis' total failure to use the techniques he had been specially designated to promote within the Department.

Sergeant Lewis' decision not to attempt to unbuckle Kenny from her seat belt: Sergeant Lewis reported that he heard from other responding officers that they were having difficulty extracting Kenny because she was still buckled in with her seat belt. Sergeant Lewis further reported hearing the request to cut the seat belt. While Sergeant Lewis was carrying a tool he could have used to cut the seat belt, he chose not to do so. As noted above, the Use of Force Board mentioned the seat cutter device as a "training issue", but did not engage in any analysis regarding why the Sergeant failed to assist in releasing Kenny from her seat belt.

Sergeant Lewis' decision to again strike and shoot Kenny as the car moves forward: As detailed above, Sergeant Lewis said that as he observed the car moved forward, he punched Kenny two more times to the face. This was not an action that promoted the safe operation of the motor vehicle; if anything, it increased the likelihood that Kenny would lose control of the car. Sergeant Lewis then said he struck Kenny with the butt end of a knife, again based on the unlikely premise and a seemingly irrational notion that disabling the driver would decrease the peril faced by both as the car moved forward. Sergeant Lewis said he then tried to grab the steering wheel, again a decision that, if successful, would likely have increased the likelihood of lost control of the car.

Sergeant Lewis said that it was at that point that he pleaded with Kenny to stop the car. Unfortunately, Sergeant Lewis seemed to have adopted a strategy to use de-escalation options only *after* force options had proven ineffective, in an upside-down approach to what he had been taught as the Departmental expert in crisis intervention. Finally, Sergeant Lewis decided to shoot Kenny, with the seeming idea that a car being driven by a fatally disabled operator is somehow safer than a car being driven by an individual not so incapacitated. And Sergeant Lewis' use of deadly force on Kenny ended up not placing him in any better situation and likely resulted in him being worse off; fatally disabling the operator, causing the car to go completely out of control, and resulting in a horrific crash that resulted in his own injuries.

Because Sergeant Lewis was not asked about any of these decisions, little was ascertained about his rationale for the choices he made. Moreover, the Use of Force Board apparently

did nothing to independently evaluate these questionable decisions and consider whether other options existed that could have prevented this tragic result.

**RECOMMENDATION TWENTY-FIVE:** When a supervisor is involved in a deadly force incident, SPD should evaluate whether the supervisor's performance is in line with Departmental expectations for a supervisor on scene.

**RECOMMENDATION TWENTY-SIX:** In evaluating the use of deadly force, SPD should consider whether its use would effectively eliminate any threat presented as well as its own potential to increase the threat to officers and the public.

### Insufficient Explication of Responding Officers' Tactical Deficiencies

As noted above, the Review Board identified as a training issue the notion of entering a suspect vehicle in an attempt to push a subject out. While quite cryptic, the apparent message is that such a technique is disfavored. There is no question that the idea of an officer even reaching into an occupied vehicle creates serious safety issues should the car move forward. For an officer to completely enter a vehicle creates the specter of precisely what occurred in this case: the driver travels forward, placing the unbelted officer in peril. And this is not an unprecedented occurrence; we are aware of at least two other incidents where an officer reached in or inserted himself in a vehicle, precipitating responsive deadly force when the driver moved forward. Considering the potential officer safety issues involved and the likelihood of an ensuing deadly force incident, mere training is insufficient to address this issue. Rather, specific policy should be devised that prohibits officers from reaching into or entering a vehicle unless there is certainty that the driver cannot readily proceed forward.

The Review Board entirely failed to consider the efficacy of the officers' attempt to pull Kenny through a broken window in order to extract her from the car. Considering the physics of such a maneuver, even a cooperative individual would have difficulty being extracted in the fashion that the officers tried in this case. SPD should devise policy and training specifically disapproving of this technique for extractions.

**RECOMMENDATION TWENTY-SEVEN:** SPD should devise policy and training instructing officers not to reach into or enter a civilian vehicle unless there is certainty that the operator cannot move the vehicle forward.

**RECOMMENDATION TWENTY-EIGHT:** SPD should devise policy and training addressing the inadvisability of trying to extract an individual through a vehicular window.

## Failure to Identify Issues Relating to Taser Use

As noted above, neither IDFIT nor SPD requested a full workup of the Taser data by the manufacturer. Moreover, while there was a training note about considering other force options if a Taser deployment does not effectively neutralize a subject, the board did not consider the actual deployment of the Taser by Officers Conrad and Akins and whether their use met departmental expectations.

As noted above, while the board was asked by the Chief to evaluate the uses of force by all involved individuals, the board made no such explicit evaluation with regard to the use of the Tasers. First, there was no assessment whether the use of the Taser was the appropriate force option, considering the attendant circumstances. Moreover, as noted above, the evidence suggests that the officers deployed their Model X26 Tasers<sup>14</sup> on Kenny simultaneously. And, perhaps most significantly, the extended deployment of 22 and 29 seconds is not consistent with manufacturer recommendations or medical studies on the dangers of extended or multiple Taser uses.

Perhaps the most definitive compendium of research on Taser use was undertaken by the National Institute of Justice in 2011: Study of Deaths Following Electro Muscular Disruption: <https://www.ojp.gov/pdffiles1/nij/233432.pdf>. In that abstract, the panel reviewed the available research and found that as a result of the increased risk of death, “multiple or prolonged activations of [Tasers] as a means to accomplish subdual should be minimized or avoided.” *Id.* at p 26. As a result, police agencies have devised policy to limit deployment duration to five-second intervals, limited Taser use to three activations, and have advised against simultaneous Taser uses by multiple officers. In this incident, there were a total of seven activations, two activations went longer than 20 seconds, and two Tasers were reportedly simultaneously deployed on Kenny. While SPD’s current Taser policy has no such limiting language, the review of this incident could have (and should have) resulted in a revision of policy to ensure safer Taser deployments.

**RECOMMENDATION TWENTY-NINE:** Whenever the use of a Taser accompanies a deadly force event, SPD Use of Force Review Board should consider the propriety of its use and whether deployment met Departmental expectations.

**RECOMMENDATION THIRTY:** SPD should revise its Taser policy to limit deployment to three cycles, prohibit activations longer than five seconds, and prohibit simultaneous Taser activations by multiple officers.

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<sup>14</sup> The Model X26 Taser was the most powerful device ever sold by the manufacturer. In 2014, the manufacturer stopped selling the device, replacing it with a model marketed as safer than the X26.

# Additional Issues/Concerns

## No Formal Tracking of Force by Individual Officer

The litigation revealed that while aggregate use of force data is compiled and sent regularly to the Chief of Police, that data is not broken down by officer, and there is no formal analysis or identification of officers who are outliers in their frequent use of force. While, to the credit of the Department, the litigation did discover one officer who was identified by SPD as having problematic uses of force (resulting in monitoring of that officer through a body-worn camera), there is no systemic review of force used by all SPD officers. Smaller agencies such as SPD should not have as pressing a need for more formal early identification systems, but the Chief and his command staff should at least be provided with regular use of force reports broken down by individual officers. With such data, inordinate use of force by a particular officer can be more readily identified and remediated.

RECOMMENDATION THIRTY-ONE: SPD should create a written directive assigning the task of analyzing uses of force by officer, identifying any outlier officers in using force, and providing the analysis to the Chief and command staff.

## District Attorney Press Conference with Springfield Chief of Police

The District Attorney held a press conference to announce her opinion that she found no criminality with regard to Sergeant Lewis' use of deadly force. SPD's Chief of Police was at the District Attorney's side when she announced her decision. The optics of the Chief of Police at the table of the District Attorney when she closed the case significantly undercut any belief that the investigation and review was independent. It also causes one to wonder whether the Chief would have been invited to sit with the District Attorney had the decision been made to file charges against the officer.

If an investigation of an officer-involved shooting is intended to convey the message that it was a truly independent process with an interagency investigative team and an independent prosecutive authority, there is no reason for the Chief of the agency to which the involved officer is employed to be sitting at the presentation table. Better that the head of the interagency investigative team be invited to sit at the table to provide a better demonstration of independence. Moreover, to the degree that questions are asked about the investigation, that individual should be more knowledgeable to field such questions than the Chief of the involved officer's agency, who is presumably insulated from the investigation.



RECOMMENDATION THIRTY-TWO: In the context of its own officer-involved shooting matters, SPD should refrain from sitting at the table of any press event announcing the results of a District Attorney review.

### SPD Offered No Condolences to Kenny's Surviving Family

The parents' loss of a loved one as a result of a police-initiated shooting is devastating. Progressive leaders of police agencies recognize this and are increasingly offering expressions of sympathy, both private and public, to surviving family members for their loss. In this case, the Chief of SPD did not reach out to the family in any way to express condolences.

The explanation suggested during the litigation process for this failure to extend sympathies was that the family had retained an attorney and was determined to sue the City. The specter of litigation is a poor excuse for not reaching out in an expression of human empathy. And to express regret for the loss of a family member does not equate to an acknowledgement of fault or liability.

The Chief of SPD should reconsider his approach in future officer-involved shooting circumstances.

RECOMMENDATION THIRTY-THREE: In the immediate aftermath of a fatal officer-involved shooting, the Chief of Police should reach out to surviving family members and offer condolences for the loss.

## Conclusion

The police-involved death of a person in crisis, as the consequence of events that also endangered and injured officers themselves, is inherently a matter of significant public interest. Along with our feelings of sympathy and concern there are questions: what happened, could it realistically have been avoided, will people be accountable, and what changes will occur as a result of the tragedy?

The death of Stacy W. Kenny implicates all of these responses. The family's struggle to contend with Kenny's mental health issues – as manifested in its outreach to the Springfield Police Department months prior to the incident – surely has resonance for countless families who fear for the well-being of troubled relatives. Law enforcement's role in this dynamic is itself the subject of tremendous scrutiny and reconsideration.

All of this is to say that a legitimate, meaningful investigative and review process is never more crucial than in the aftermath of such an event. The use of deadly force is rightly

scrutinized for its legal justifications – a process that occurred here, if imperfectly in ways that this report discusses above. However, given the applicable legal standards and the latitude that the system gives to officers when they reasonably perceive a threat to themselves or others, it is very unusual for officers to face prosecution. An actual conviction is even more rare.

Because of this, and the “bottom line,” either/or nature of the criminal process, the more comprehensive evaluations of critical incidents such as Kenny’s death can – and must – occur administratively. The most effective law enforcement agencies, therefore, are those that recognize that such events demand the most rigorous levels of review.

There are two components to this – both equally important. One relates to accountability: a clear-eyed determination as to whether and how involved officers met the standards of the agency in terms of policy, tactics, training, and other performance variables. Agencies should not be reticent in the appropriate instances when officer conduct is egregious enough to warrant separation from the agency. And measures should be deployed to correct individual deficiencies and to reinforce the agency’s standards and expectations. While formal discipline is one vehicle for this, training, counseling, or other remedial measures also exist to address substandard performance.

The second component to robust internal review is systemic. It involves a holistic examination of every aspect of the agency’s response in order to look for strengths that it wishes to highlight and shortcomings that it wishes to improve upon. The potential benefits of such a process for enhancing department-wide future performance are what makes this exercise so worthwhile.

There are traditional obstacles to this in some law enforcement cultures. They include a reluctance to second-guess and an inclination to support officers who have been involved in deadly force incidents. But many progressive police organizations have moved beyond this paradigm. They have come to see the importance of the process as outweighing those other considerations. And they have framed it as a constructive reckoning with the very real challenges of modern policing.

OIR Group appreciates the opportunity to contribute to that dynamic in Springfield through this report. Our hope is that it provides the family of Stacy Kenny with some consolation in the form of a careful evaluation and answers to some of the lingering questions it may have. We also hope though, that it will be embraced by the Police Department as an opportunity to revisit some of its own protocols and improve upon them in the future. If public and officer safety is strengthened in Springfield as a result, then the family’s interest in this review will have been validated in the best of ways.





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# Pick to lead new Washington office investigating police deadly force is Microsoft lawyer, former judge



By [Troy Brynelson](#) (OPB)

May 18, 2022 4 43 p m **Updated** May 18, 2022 5 38 p m

**Starting in June, attorney Roger Rogoff will lead the Office of Independent Investigations in Washington. The office is tasked with reviewing deadly police encounters throughout Washington state.**

A new Washington agency created to put greater civilian oversight over police violence has found its executive director.

Gov. Jay Inslee on Wednesday appointed Roger Rogoff, a current attorney for Microsoft who spent nearly three decades in the King County criminal justice system, to lead the Office of Independent Investigations.

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The office, with a \$24 million two-year budget and an eventual staff of about 80 people,



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**Quickly over current investigative practices.**

Inslee appointed Rogoff at the recommendation of an 11-person advisory board made up of attorneys, a police chief and at least one person who has lost a family member to police violence.



FILE - King County Superior Court Judge Roger Rogoff stands in court on Oct. 10, 2016, in Seattle. Rogoff, a former judge and prosecutor, is being appointed to oversee Washington state's new independent office to review cases where police use deadly force – the first such agency in the U.S, Washington Gov. Jay Inslee said Wednesday, May 18, 2022.

*Ted S. Warren / AP*

Inslee said at a press conference that he hoped the appointment will inspire more trust.

“This office is about getting to the truth... it’s about providing justice to families,” Inslee said. “And it’s about getting truly independent investigations so that all of us can have a highly credible, factual basis on which to make decisions.”

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Reached by phone Wednesday, Rogoff said he sought the position for a chance to mend relationships in the state.

“I’ve been a part of the criminal justice system for my entire career. I’ve seen it work really well and I’ve seen the inequities that have seen it not work really well,” Rogoff said. “This is a part of the system that has not worked really well. There’s been a lack of credibility of these investigations in the minds of the people who have been impacted by it.”

The office is still taking shape. Among Rogoff’s first duties will be to develop policies and procedures, such as how they will work with local law enforcement agencies. There may also be a policy question as to what extent the office can investigate, and whether the office would ever investigate a case that didn’t involve deadly force.

“That’s something the office is going to have to make a decision on,” said Hector Castro, a governor’s office spokesperson. “The priority is to make sure these investigations are performed at the highest level, that they’re high-quality, that they have great credibility.”

To start, the office will be limited on the time frame of its investigations. The state law requires that for the first year, the Office of Independent Investigations only focus on new cases. That timeline expands in July 2023, when the office may begin considering past cases to reopen.

Currently, an officer’s use of deadly force in Washington will spur an investigation by an entity known as an Independent Investigative Team or IIT. IITs are mostly comprised of police from neighboring agencies. Two citizens also serve on the teams, but not in any investigatory capacity.

Like the new office, IITs are an outgrowth of public concern. In 2019, a group of Washington residents successfully petitioned to put changes to deadly-force laws on the ballot. The resulting initiative, Initiative 940, passed.

Police reform advocates have continued to push. Data collected by members of the Washington Coalition for Police Accountability show there have been 144 fatal police shootings since December 2018.

When asked how he felt about balancing the desires of those who want reform with



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“I think that everyone involved in these cases - from law enforcement to impacted communities to families who are directly impacted - really want two things,” he said. “Really credible, well-done investigations .... and transparency and understanding about how these investigations work.”

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# Oregon Peace Officers Association

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| AGENCY                                  | NAME                                     | AWARD                       |
|-----------------------------------------|------------------------------------------|-----------------------------|
| Albany Police Department                | Detective Joe Clausen                    | Distinguished Service Award |
| Albany Police Department                | Officer Kenneth Fandrem                  | Life Saving Award           |
| Albany Police Department                | Field Training Officer David Vaughn      | Life Saving Award           |
| Albany Police Department                | Field Training Officer Jenn Williams     | Life Saving Award           |
| Albany Police Department                | Field Training Officer Michael Wood      | Life Saving Award           |
| Albany Police Department                | Field Training Officer Tim Sousa         | Life Saving Award           |
| Albany Police Department                | Lieutenant Marv Hammersley               | Life Saving Award           |
| Albany Police Department                | Officer Breanna Hedrick                  | Life Saving Award           |
| Albany Police Department                | Sergeant Stephanie Giboney               | Life Saving Award           |
| Bandon Police Department                | Officer Justin Gray                      | Medal of Valor Award        |
| Civilian                                | Austin DePaolis                          | Distinguished Citizens      |
| Civilian                                | Riley Lucier                             | Distinguished Citizens      |
| Civilian                                | Zachary Bickerdyke                       | Distinguished Citizens      |
| Clackamas 911                           | Communications Dispatcher Craig Meade    | Distinguished Service Award |
| Clackamas 911                           | Communications Dispatcher Fawn Johnson   | Distinguished Service Award |
| Clackamas 911                           | Communications Dispatcher Jennifer Dower | Distinguished Service Award |
| Clackamas 911                           | Communications Dispatcher Kayla Brenner  | Distinguished Service Award |
| Clackamas 911                           | Communications Dispatcher Tami Abernathy | Distinguished Service Award |
| Clackamas County Sheriff's Office       | Deputy Hayden Sanders                    | Medal of Honor Award        |
| Clackamas County Sheriff's Office       | Deputy Nate Ariel                        | Medal of Honor Award        |
| Clackamas County Sheriff's Office       | Deputy Ryan Castro                       | Medal of Honor Award        |
| Clackamas County Sheriff's Office       | Deputy Tanner Davis                      | Medal of Honor Award        |
| Clackamas County Sheriff's Office       | Lt. Bradley O'Neil                       | Medal of Honor Award        |
| Coos Bay Police Department              | Senior Officer Mark Wheeling             | Life Saving Award           |
| Coos County Sheriff's Office            | Deputy Jonathan Vinyard                  | Life Saving Award           |
| Coos County Sheriff's Office            | Sergeant Sean Sanborn                    | Life Saving Award           |
| Coos County Sheriff's Office            | Deputy Aaron Whittenburg                 | Medal of Valor Award        |
| Coos County Sheriff's Office            | Deputy Theran Coleman                    | Medal of Valor Award        |
| Cottage Grove Police Department         |                                          | Critical Incident           |
| Douglas County Sheriff's Office         |                                          | Critical Incident           |
| Douglas County Sheriff's Office         | Corporal Dan Schwenn                     | Medal of Valor Award        |
| Douglas County Sheriff's Office         | Deputy Chelsea Thomas                    | Medal of Valor Award        |
| Douglas County Sheriff's Office         | Deputy Erik Johnson                      | Medal of Valor Award        |
| Douglas County Sheriff's Office         | Lieutenant Jerry Tilley                  | Medal of Valor Award        |
| Douglas County Sheriff's Office         | Sergeant Andrew Scriven                  | Medal of Valor Award        |
| Eugene Police Department                | Detective Dean Pederson                  | Distinguished Service Award |
| Eugene Police Department                | Detective Anne McIntyre                  | Life Saving Award           |
| Eugene Police Department                | Officer Doug Ledbetter                   | Life Saving Award           |
| Eugene Police Department                | Sergeant Kyle Evans                      | Life Saving Award           |
| Eugene Police Department                | Officer Christopher Jentzsch             | Life Saving with Valor      |
| Eugene Police Department                | Officer Darren Cicerone                  | Life Saving with Valor      |
| Eugene Police Department                | Officer Erick Baumgardner                | Life Saving with Valor      |
| Eugene Police Department                | Officer Neil Biallas                     | Life Saving with Valor      |
| Federal Bureau of Investigation         | Special Agent Ryan Parton                | Unit Citation Award         |
| Forest Grove Police Department          | Captain Michael Hall                     | Distinguished Service Award |
| Forest Grove Police Department          | Officer Amber Daniels                    | Life Saving Award           |
| Forest Grove Police Department          | Sergeant Matthew Smith                   | Life Saving Award           |
| Gladstone Police Department             | Detective Lee Gilliam                    | Life Saving Award           |
| Gladstone Police Department             | Sergeant Carl Bell                       | Life Saving Award           |
| Grand Ronde Tribal Police Department    | Officer James JJ Flynn                   | Medal of Valor Award        |
| Grants Pass Department of Public Safety | Corporal John Moore                      | Life Saving Award           |
| Lake Oswego Police Department           | Detective John Funkhouser                | Life Saving Award           |
| Lake Oswego Police Department           | Officer Brad Moyle                       | Life Saving Award           |
| Lake Oswego Police Department           | Officer Bryan McMahan                    | Life Saving Award           |
| Lake Oswego Police Department           | Officer Erich Mayr                       | Life Saving Award           |
| Lake Oswego Police Department           | Officer James Macfarlane                 | Life Saving Award           |
| Lake Oswego Police Department           | Officer Jeff Oliver                      | Life Saving Award           |
| Lane County Sheriff's Office            |                                          | Critical Incident           |
| Lane County Sheriff's Office            | Deputy Sheriff Codey Crawford            | Life Saving with Valor      |
| Linn County Sheriffs Office             |                                          | Critical Incident           |
| Marion County Search and Rescue         |                                          | Critical Incident           |
| McMinnville Police Department           | Detective Sergeant Scott Fessler         | Distinguished Service Award |
| Milwaukie Police Department             | Officer Daniel "DJ" Duke                 | Purple Heart                |
| Mount Angel Police Department           | Officer George Lopez                     | Life Saving Award           |
| Multnomah County Sheriff's Office       | Deputy Kevin Jones                       | Unit Citation Award         |
| Newberg Dundee Police Department        | Sr Officer Steve Schoening               | Distinguished Service Award |
| Newberg-Dundee Police Department        | Captain Jeff Kosmicki                    | Life Saving Award           |

## Upcoming events

### [Domestic Terrorism: Ideol Symbols and Tactics](#)

September 20 2022 8:00  
Police Department 2600 I  
SW Albany Oregon 9732

### [Basic Background Invest](#)

September 22, 2022 8:00  
Deschutes County Sheriff  
63333 W. Highway 20, Be

### [Terrain Based Tactical Rifi](#)

October 13 2022 8:00 AM  
Shooting Range 41544 U  
Rd Sweet Home OR 973

### [Field Training and Evalua \(FTEP\)](#)

October 18, 2022 8:00 AM  
Department of Public Safe  
Hall, 601 SW 17th St., Co  
97331

### [Search Warrants: Not as f Think](#)

October 20 2022 9:00 AM  
Emergency Operations Ce  
Ash Street Dallas OR 97

### [52nd Annual Law Enforce Conference](#)

November 14, 2022 8:00 /  
Mountain Event Center, G  
Oregon

### [52nd Annual Law Enforce Banquet](#)

November 18 2022 5:30 I  
Mountain Event Center 27  
River Hwy Grand Ronde

|                                     |                                                   |                             |
|-------------------------------------|---------------------------------------------------|-----------------------------|
| Newberg Dundee Police Department    | Officer Ariel Siqueiros                           | Life Saving Award           |
| Newberg Dundee Police Department    | Officer Daniel Fouch                              | Life Saving Award           |
| Newberg-Dundee Police Department    | Officer Justin Caughlin                           | Life Saving Award           |
| Newberg Dundee Police Department    | Officer Tom Sattler                               | Life Saving Award           |
| Newberg-Dundee Police Department    | Sergeant Mark Cooke                               | Life Saving Award           |
| Newberg Dundee Police Department    | Officer Jeromy Pilon                              | Life Saving with Valor      |
| Newberg-Dundee Police Department    | Senior Officer Nathan James                       | Medal of Valor Award        |
| North Bend Police Department        | Deputy Ryan Doyle                                 | Medal of Valor Award        |
| Oakridge Police Department          |                                                   | Critical Incident           |
| Oakridge Police Department          | Officer James Cleavenger                          | Medal of Honor Award        |
| ODOT                                | Region 3 Area Command                             | Critical Incident           |
| Ontario Police Department           | Officer Danielle Llamas                           | Life Saving Award           |
| Oregon State Police                 | Coos Bay Area Command                             | Critical Incident           |
| Oregon State Police                 | Roseburg Area Command                             | Critical Incident           |
| Oregon State Police                 | Compliance Manager Heidi Minten                   | Distinguished Service Award |
| Oregon State Police                 | Oregon State Athletic Commission Trista Robischon | Distinguished Service Award |
| Oregon State Police                 | Recruit Trooper Eric Larson                       | Life Saving Award           |
| Oregon State Police                 | Sergeant James Halsey                             | Life Saving Award           |
| Oregon State Police                 | Trooper Charles Hill                              | Life Saving Award           |
| Oregon State Police                 | Trooper David Wertz                               | Life Saving Award           |
| Oregon State Police                 | Trooper Shawn Waldrop                             | Life Saving Award           |
| Oregon State Police                 | Senior Trooper John King                          | Life Saving with Valor      |
| Oregon State Police                 | Trooper Benjamin Cordes                           | Medal of Valor Award        |
| Oregon State Police                 | Trooper Samuel Clayton                            | Medal of Valor Award        |
| Oregon State Police                 | Trooper Shaelon Ross                              | Medal of Valor Award        |
| Oregon State Police                 | Senior Trooper Detective Mat Fromme               | Unit Citation Award         |
| Oregon State Police                 | Trooper Brian Kolacz                              | Life Saving Award           |
| Port of Portland Police Department  | Detective Chad Steenvoorden                       | Unit Citation Award         |
| Port of Portland Police Department  | Detective Jenn Ritschard                          | Unit Citation Award         |
| Port of Portland Police Department  | Detective Timothy Osorio                          | Unit Citation Award         |
| Port of Portland Police Department  | Sergeant Lance Hemsworth                          | Unit Citation Award         |
| Portland Police Bureau              | Officer Matthew Jacobsen                          | Distinguished Service Award |
| Salem Police Department             | Senior Officer Eric Moffitt                       | Distinguished Service Award |
| Salem Police Department             | Officer David Baker                               | Life Saving Award           |
| Salem Police Department             | Officer Joshua Buker                              | Life Saving Award           |
| Salem Police Department             | Officer Sabrina Hunter                            | Life Saving Award           |
| Salem Police Department             | Officer Zack Merritt                              | Life Saving Award           |
| Salem Police Department             | Senior Officer Lynn Renz                          | Life Saving Award           |
| Salem Police Department             | Officer Michelle Pratt                            | Purple Heart                |
| Springfield Police Department       | Officer Brian Dunn                                | Life Saving Award           |
| Springfield Police Department       | Sergeant Rick Lewis                               | Purple Heart                |
| Springfield Police Department       | Officer Julio Garcia Cash                         | Medal of Honor Award        |
| Springfield Police Department       | Officer Matthew Thomsen                           | Medal of Honor Award        |
| Springfield Police Department       | Officer Terry Murray                              | Medal of Honor Award        |
| Springfield Police Department       | Sergeant Brian Humphreys                          | Medal of Honor Award        |
| The Dalles Police Department        | James Colby Finch                                 | Medal of Honor Award        |
| Tigard Police Department            | Officer Scott Sanders                             | Life Saving Award           |
| Tigard Police Department            | Detective Daniel Swain                            | Unit Citation Award         |
| Tigard Police Department            | Detective Gabriel Stone                           | Unit Citation Award         |
| Tigard Police Department            | Detective Thomas Hahn JR                          | Unit Citation Award         |
| Warrenton Police Department         | Officer Robert Wirt                               | Life Saving Award           |
| Washington County Sheriff's Office  | Detective Jason Hermann                           | Life Saving Award           |
| West Linn Police Department         | Officer Catlin Blyth                              | Distinguished Service Award |
| West Linn Police Department         | Officer Kyle Scott                                | Life Saving Award           |
| Yamhill County Sheriff's Department | Deputy David Mills                                | Life Saving Award           |

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Email: [opoa@opoa.info](mailto:opoa@opoa.info)





# Independent Critical Incident Review and Analysis of the Officer-Involved Shooting Death of Stacy W. Kenny

## Addendum Relating to the Interagency Deadly Force Investigation Team Protocols

July 2021

Presented by:  
Michael Gennaco





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*It's not how we make mistakes, but how we correct them that defines us.*

Rachel Wolchin



# Introduction

On March 31, 2019, Stacy W. Kenny was shot and killed by Springfield Police Sergeant R.A. Lewis following a traffic stop. On September 18, 2020, a lawsuit filed by Kenny’s parents was settled for \$4.55 million dollars, believed to be the largest dollar settlement in Oregon history for a police shooting case. One of the terms of the settlement agreement was that the surviving family members could commission a critical incident and analysis of the incident with which the relevant authorities would cooperate. Subsequently and through the family’s attorney, Michael Gennaco of OIR Group<sup>1</sup> was contracted to conduct the analysis and prepare a written report setting out findings and recommendations.

In March 2021, OIR issued a report focused on the investigation conducted by the Interagency Deadly Force Investigation Team (“IDFIT”)<sup>2</sup> investigation and the Springfield Police Department’s (“SPD”) subsequent administrative review mechanisms.<sup>3</sup> The goal was to assess the objectivity and thoroughness of fact collection and the rigor of the subsequent internal review of involved officers’ actions.

In furtherance of that goal, Mr. Gennaco reviewed the investigative materials to determine whether IDFIT’s investigative policies and practices allowed for the development of a body of evidence that was adequate to the task of appropriately scrutinizing the involved officers’ actions and decision-making. He further reviewed those materials to learn whether current IDFIT protocols provided for effective and timely collection of evidence.

Mr. Gennaco also examined SPD’s incident review materials and protocols in order to learn whether those systems properly facilitated the ability of the Department to learn from critical events and adjust its practices to strengthen future performance. Finally, and based on an evaluation of the attributes and limitations in the current model, he devised

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<sup>1</sup> Since 2001, Michael Gennaco of OIR Group has worked exclusively with government entities in a variety of contexts related to independent outside review of law enforcement, from investigation to monitoring to systems evaluation. As part of OIR Group’s oversight responsibilities for numerous jurisdictions, Mr. Gennaco has reviewed scores of officer-involved shootings and devised recommendations to improve attendant investigative and review practices.

<sup>2</sup> Under Oregon state law, the initial investigation of an officer-involved shooting is to be turned over to an interagency investigative team.

<sup>3</sup> A copy of the initial report can be found on OIR Group’s website: [https://a45ae0bd-a86b-4264-bab6-651d19eb0842.filesusr.com/ugd/d85a96\\_7ed6a497dee8487c980fa7efdfc1bd9f.pdf](https://a45ae0bd-a86b-4264-bab6-651d19eb0842.filesusr.com/ugd/d85a96_7ed6a497dee8487c980fa7efdfc1bd9f.pdf).

recommendations to improve relevant SPD policies, practices, and protocols – thereby promoting not only appropriate accountability but also the identification and dissemination of beneficial “lessons learned.”

Based on this review, Mr. Gennaco found that there were significant gaps in the IDFIT investigation into the officer-involved shooting of Stacy W. Kenny. The report accordingly includes responsive recommendations. Additionally, and in light of the fact that no single entity controls the quality of IDFIT’s work product, OIR Group suggests that SPD (as a member of the interagency team) communicate these observations to partner agencies so that potential improvements can be adopted for the future.

Moreover, because the focus of the IDFIT investigation is limited to the use of deadly force, other issues critical to SPD – such as the use of force by officers preceding the shooting, their tactics and decision-making during the event, and crime scene maintenance – fall to the Department to consider and address when such incidents occur. IDFIT’s structurally narrow focus means that it is even more imperative that SPD collect the facts necessary to perform the wide-ranging analysis that is warranted by these incidents.

To SPD’s credit, during its internal review of the incident, it did identify a handful of “training issues.” However, the Use of Force Review Board did not provide a detailed summary of its proceedings that explained the context for its identified issues. Moreover, even though SPD’s Chief of Police expressly asked it to do so, the Review Board did not consider the approach, tactics, and decision-making by the three other officers (besides Sergeant Lewis) involved in the incident. Nor did the Review Board, contrary to its charge, assess the appropriateness of the force that the three additional officers used on Kenny. The Review Board also failed to opine on the appropriateness of the uses of force inflicted on Kenny by Sergeant Lewis prior to his deployment of deadly force. And when the Chief received the report from the Review Board that failed to consider his specific instructions, he did not return it to the Board to address these gaps.

Finally, with regard to the performance issues that were identified by the Review Board, there was no apparent plan to use the identification of performance issues in any systemic or meaningful way. The evidence is virtually nonexistent that SPD incorporated these issues into future training or learning or to even debrief the involved officers on the issues identified.

These shortcomings in SPD’s review process cast doubt on both the substantive legitimacy and the lasting value of the Department’s internal outcomes. In short, they create skepticism as whether any accountability, learning or remediation actually resulted from the agency’s review of the Kenny shooting. The initial report was intended to delineate those gaps and identify significant issues that could and should have been the focus for the Use of Force Review Board. The report also recommended remedial actions that *should*

have sprung from SPD's internal review process and devised recommendations to improve both the investigative and review process.

We noted in our initial report that the current investigative and review structures have the capability to accomplish both a thorough and objective factual record and a robust, constructive review. However, our review of this incident found that the initial investigation by the multi-agency team had significant investigative deficiencies. And SPD fell far short of reaching this potential and producing the sort of accountability, learning and remediation that an agency should demand of those entrusted with these critical functions.

The initial report contained both substantive and procedural observations about the underlying incident and SPD's ultimate responses to it. The report was intent on further developing a framework within which SPD could achieve each of these vital objectives.

Since the issuance of our report, we have had an opportunity to present our report to Springfield's City Council. Moreover, we were contacted by the Lane County District Attorney regarding the IDFIT discussion and recommendations and were provided additional information regarding IDFIT protocols, namely IDFIT's Standard Operating Procedures ("SOPs"). At the District Attorney's request, we also virtually attended an IDFIT meeting to discuss our recommendations with IDFIT members. We were then asked by the District Attorney to issue an addendum to the Report based on the additional information provided. With no objection from the initial parties, we prepared this addendum to our initial report.

As detailed below, we learned that the current SOPs provides guidance on a few of the issues discussed in our initial report. Unfortunately, in the Kenny matter that guidance was not followed, presenting a different – and in some ways – more concerning problem. The additional information contained in the SOPs and discussion at the meeting caused us to reframe some of our concerns and recommendations but the underlying issues relating to investigative lapses and shortcomings remain. We are heartened to hear that the District Attorney intends to commission further study intended to improve the guidance that is currently provided by the IDFIT protocols. As detailed in this Addendum, we also recommend that each IDFIT investigation be reviewed to assess compliance with the SOPs and other IDFIT protocols. We are hopeful that the discussion in our initial report and further observations set out here are instructive and helpful to that subsequent effort.

# IDFIT Investigative Issues

The investigations of officer-involved shootings in Lane County are conducted by the County's Interagency Deadly Force Investigation Team ("IDFIT"), comprised of contributing law enforcement investigators from within the County. The lead IDFIT investigator for the Kenny shooting was a detective from the Eugene Police Department. The IDFIT protocols allow for participation of an investigator from the agency of the involved officers; accordingly, a detective from SPD participated in the investigation.

Our review of the investigative file revealed significant gaps in the IDFIT investigation, a lack of investigative protocols and resulting lack of uniformity in fact collection, and existing protocols that are inconsistent with best practices. As discussed below, after the issuance of our report and after we received the SOPs, we learned that IDFIT did in fact, have protocols in place relating to a few of the gaps we identified in the investigation, but the procedures were not followed in the Kenny investigation, indicating a different and more substantial problem. And for most of the investigative gaps identified, as set out below, the IDFIT protocols did not address the concerns raised in the initial report.

## No Crime Scene Log Prepared

It is standard investigative practice to seal off and preserve a crime scene while photographs and collection of evidence are undertaken. As part of that practice, a crime scene log is prepared in which individuals within the crime scene perimeter are identified, and any additional entries or departures of individuals into the crime scene are noted. In this case, there were apparently no attempts to establish a crime scene log. Accordingly, there are no precise records on who was at the initial crime scene, what individuals subsequently entered the scene, and when individuals departed from the scene.

We wrote in our initial report that the protocols initially provided to us did not indicate any IDFIT direction on the need to develop a crime scene log. However, the SOPs do instruct the IDFIT team to create such a log:

A written log (Crime Scene Log) will be established as quickly as possible to identify all persons entering the scene(s), the time of their entry and exit, and the reason for entry.

However, despite the protocols, the IDFIT team did not create a crime scene log. During the IDFIT meeting, the uniqueness of the extended crime scene in the Kenny matter was discussed but not advanced as a reason for why the log was not prepared. It was also noted that one of the IDFIT team members was not available to respond because he was called

out of state on a homicide investigation, increasing the burden on the team that did respond.

SOPs are only useful when individuals follow them. IDFIT currently has no apparent systemic mechanisms to review completed investigations to ensure compliance with its protocols. One approach that would assess compliance would be to conduct an after-action review of the investigation, perhaps by the District Attorney, and convene a subsequent meeting of IDFIT team members designed to examine and discuss the strengths and weaknesses of the IDFIT investigation. The review and meeting should determine and discuss the degree to which the investigation complied with the IDFIT SOPs. Exemplary work should be identified, and shortcomings should be remediated through those processes.

In order to ensure that there are sufficient personnel to respond to an IDFIT matter, there should also be consideration of identifying a “back-up” member to respond to the incident should one of the primary members be unavailable such as what apparently occurred in this case. IDFIT cases are too important to allow insufficient resources to hamper a timely and effective investigation.

As a result of receiving the additional information and subsequent discussion, OIR Group withdraws its initial recommendation and replaces it with the following two additional recommendations:

RECOMMENDATION ONE: IDFIT should modify its protocols to ensure that each investigation is reviewed to determine compliance with its protocols and meet to discuss the results of that review with the objectives of any needed remediation and improvement.

RECOMMENDATION TWO: IDFIT should ensure that there is an alternative detective on-call to respond to matters should one of the primary handling detectives be unavailable.

## Inadequate Scope of IDFIT Investigation

The IDFIT investigation focused almost exclusively on the use of deadly force by Sergeant Lewis. However, Sergeant Lewis’ uses of force earlier in the incident as well as the uses of force by the other three responding officers were necessarily relevant to a full understanding and assessment of the eventual decision to use deadly force. Each preceding instance of tactical decision-making and force by the officers set in motion the sequence of events that eventually resulted in the tragic outcome of this incident. It is incumbent upon any effective investigation of an incident such as this to explore the rationale for the various and interrelated decisions and force deployments by each participating officer.

The IDFIT interviews had each of the officers narrate their story but did not delve into the critical decision-making and tactics each deployed. As a result, the investigation does not provide the facts necessary to better understand the origins of the incident and allow full evaluation of Sergeant Lewis' decision to use deadly force.

During the meeting that OIR Group attended, some IDFIT members were concerned that this recommendation would cause the investigation to venture into tactics, use of force prior to the deadly, and other decision-making by officers that was asserted as outside the scope of the District Attorney's review. However, learning the state of mind of any officer who uses deadly force is critical to any determination on the propriety of deadly force. Tactical decisions and prior uses of force by the officer and fellow responding officers all contribute to that state of mind and should be considered as part of that inquiry. The IDFIT inquiry should not be cabined and limited to the deadly force event, both the investigation and prosecutorial analysis should consider all prior uses of force and tactical decisions by the involved and partner officers as it impacts the calculus of the reasonableness of the use of deadly force. We reiterate our initial recommendation here.

**RECOMMENDATION THREE:** IDFIT protocols should be modified to ensure a broad scope of initial fact collection, including a full exploration of any tactical decision-making and related force options preceding the use of deadly force.

## Failure to Segregate Involved Officer and Witness Officers

The investigative reports reveal that after the shooting, Sergeant Lewis and Officer Akins were transported to the hospital for treatment of their injuries. Officer Rosales rode with Sergeant Lewis to the hospital and remained with him while he was being treated for his injuries. As a result, when the IDFIT team arrived at the hospital to interview witnesses and obtain a public safety statement<sup>4</sup> from Sergeant Lewis, the witness officers and the involved officer had the opportunity to share accounts of the event before being formally interviewed.

Basic investigative practices require segregation of witnesses and involved officers prior to formal interviews so that recollection of events is not contaminated by exposure to others' accounts. The need for such a practice is acute in the officer-involved shooting context

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<sup>4</sup> A public safety statement is a rudimentary account of the event from the involved officer in order to ensure all potential exigencies have been or are being addressed. Sample issues include accounting for all rounds in both number and direction, and determining whether additional suspects might be at large.



because of concern that involved police personnel will either intentionally or inadvertently collude by sharing accounts of the event with each other. For that reason, all progressive police agencies have policies requiring that involved and witness officers are immediately segregated and chaperoned by an uninvolved officer until a “pure” statement can be obtained from the officers.

The IDFIT SOP that we were provided does set out the need for segregation of officers so that there is no discussion of the incident among witness or involved officers:

*Involved officers or participant witnesses shall be separated as soon as practical after the incident and should refrain from discussing the incident prior to interviews.*

However as we indicated in our initial report, in the Kenny case, neither SPD nor IDFIT ensured that this critical principle was followed and witness and involved officers were together prior to being interviewed. A post-IDFIT investigation review would have identified this serious lapse in protocols and hopefully ensure remedial measures.

One particular intricacy worthy of discussion is that there may be occasions IDFIT may not be able to respond in a sufficiently timely manner to ensure compliance with its own SOPs. In the Kenny matter, for example, the decision to have a witness and involved officer to ride to the hospital together was not made by an IDFIT team member but by SPD. As a result, it is imperative that supervisors of all participating agencies be well-versed and trained on the IDFIT SOPs. IDFIT should also set out its expectations that its protocols will be followed by all agencies even prior to the team’s arrival on scene. As a result of being provided the new information in the SOPs, the initial recommendation is withdrawn and replaced by the following two new recommendations:

**RECOMMENDATION FOUR:** IDFIT should ensure that all law enforcement agency supervisors are aware and trained on IDFIT SOPs.

**RECOMMENDATION FIVE:** IDFIT should adjust its protocols to note its expectation that agencies will comply with the SOPs, even prior to the IDFIT team’s arrival on scene.

## Inordinate Delay in Interviewing the Officer Who Used Deadly Force

Current IDFIT written protocols do not allow an interview of involved officers until at least 48 hours after the incident, unless the involved officer waives the requisite waiting period. In this case, Sergeant Lewis was not formally interviewed about his use of deadly force until five days after the incident. While there are indicia in the file of IDFIT's interest in interviewing him three days after the incident, the attorney representing him asked for a greater delay because he was out of town. This extension magnified the issue, but the current IDFIT protocol and Lane County practice is itself inconsistent with basic investigative principles of effective and objective fact collection.

It is critical for detectives conducting an officer-involved shooting investigation to learn immediately about the officers' actions, decision-making, and observations. Accordingly, obtaining a "same shift" statement is essential to any effective officer-involved shooting investigation. This is true because of the value of a "pure" statement that is contemporaneous and untainted by subsequent input. Obviously, the five-day passage of time before Sergeant Lewis was interviewed prevented the IDFIT team from obtaining a pure and contemporaneous statement. Moreover, such delays are so contrary to normal investigative protocols, these special procedures for officers involved in shootings fuel the perception among many segments of the community that police investigating police provide their colleagues with advantageous treatment not extended to members of the public.

Special rules such as these only serve to reinforce skepticism about the rigor and objectivity of such investigations. The investigative process in Lane County must provide for more timely interviews of officers involved in a shooting. Until it does so, much of the public that County law enforcement serves will quite reasonably not have confidence in its approach or outcomes.

Agencies that have imposed a 48-hour rule and have routinely delayed interviews of involved personnel have reportedly done so under the supposition that recollection is improved over time. However, objective research has debunked this notion. See, for example, "What Should Happen After an Officer-Involved Shooting? Memory Concerns in Police Reporting Procedures," *Journal of Applied Research in Memory and Cognition*, 5 (2016) 246–251, Rebecca Hofstein Grady, Brendon J. Butler, and Elizabeth F. Loftus. The proponents of the delayed approach are largely limited to either police associations or those who regularly defend police in officer-involved shootings. And importantly, none of them contend that a five-day delay, as occurred here, provides the best time frame for conducting such interviews to maximum effect.

During the IDFIT meeting, there was considerable “push back” regarding this recommendation. Having considered those arguments and for the reasons set out above, we renew our recommendation that IDFIT modify its protocols to require interviews of involved officers prior to the officer’s end of shift.<sup>5</sup>

RECOMMENDATION SIX: IDFIT should modify its protocols to require officers involved in deadly force incidents be interviewed prior to end of shift.

## Inconsistency in Collection of Witness Officer Accounts

The IDFIT protocols do not provide for consistency in how accounts of witness officers are collected. As a result, there is a wide variation on how those accounts are obtained, which is not consistent with best investigative practices. For example, a tape-recorded interview was conducted of Officer Akins and that interview was transcribed. Yet the interview of Officer Rosales was not tape recorded, and only a summary of this interview was prepared. As for Officer Conrad, his interview was not tape recorded, but an initial summary was prepared and provided to Officer Conrad several days later – at which time he was able to review and provide “additions,” which he did. Moreover, as noted above, there was no consistency in where the witness interviews were obtained: Officer Conrad’s interview was conducted at the scene, while the interviews of Officers Akins and Rosales were conducted at the hospital.

The significance of officer-involved shooting investigations demand consistency in how and where officer witness information is collected. Witness officer statements should be obtained at a law enforcement facility with video-taping capability. And those interviews should take advantage of those capabilities so that witness officers’ demonstrations of movements and positioning can be captured. Finally, all witness officer recorded statements should be transcribed and both the recording and transcription included in the investigative file.

As shown below, the current SOPs do not provide sufficient guidance on this issue:

- 1) The interviewees will be considered witnesses unless circumstances dictate otherwise.
  - A. Interviews will be conducted separately.
  - B. Interviews will normally be tape-recorded.

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<sup>5</sup> We recognize that exceptions to the “same shift” timeline may be necessary in the (rare) case of an officer having been hospitalized and seriously injured. That was not the case here.

- 1) Eliminate all background noise.
- 2) Ensure that only one person speaks at a time.
- 3) Police employees have the same rights and privileges regarding interviews that any other citizen would have, including the right to representation.

Accordingly, the initial recommendation for IDFIT interviews stands.

RECOMMENDATION SEVEN: IDFIT should adopt consistent witness officer interview protocols as follows:

- a. Statements should be video recorded.
- b. Statements should be transcribed and both recordings and transcriptions included in the investigative file.

## No Follow Up Interview of Witness Officer

The investigative file reflects that, after Officer Akins was interviewed, he reached out to the SPD member of the IDFIT team and advised that he had forgotten to tell the initial interviewer about significant parts of the event: specifically, that Kenny had repeatedly struck him as he tried to pull her from the car. While the SPD officer documented this encounter in a supplemental report, there was no subsequent interview of Officer Akins by the IDFIT team.

Standard investigative practices instruct that whenever a witness wishes to provide additional information, the investigative team should oblige and formally capture it. The IDFIT investigative team did not do so in this investigation. Training and protocols need to be devised so that such information is collected for future investigations.

IDFIT's current SOPs provide no guidance on this issue. The original recommendation stands.

RECOMMENDATION EIGHT: IDFIT should provide training and develop protocols for its members to ensure that all information volunteered about an officer-involved shooting is formally and systematically collected.

## Interview of Involved Officer Not Tape Recorded

When the officer who used deadly force was eventually interviewed, his interview was contemporaneously transcribed, but no recording of the interview was made. This technique is inconsistent with best investigative practices; virtually all law enforcement

investigative interviews are tape-recorded. While a transcription of an interview is vastly preferable to a summary, an actual recording captures non-verbal cues that provide important context to any interview. For that very reason, in our twenty years of reviewing officer-involved shooting investigations, we have found value in listening to the tape recording of key interviews rather than simply relying on the transcript. In short, there is no investigative justification for not making the recording, and significant argument in favor of it.

Additionally, body movements are often critical to an understanding of an officer-involved shooting incident, and such movements are often demonstrated by interview subjects when describing what occurred. Neither a transcript nor an audio recording captures such information. But video recording does and is routinely used in civil depositions for that reason. Similarly, witnesses in court hearings appear in person so that the finders of fact can evaluate those non-verbal cues.

Adopting these best practices to the officer-involved shooting investigation context ensures a more effective and complete collection of information from witnesses.

The current IDFIT SOPs do not address the possibility of video interviews of involved officers. The initial recommendation stands.

RECOMMENDATION NINE: IDFIT should refine its protocols to require video interviews of involved officers to deadly force events.

## Delayed Capture of Officer Response and Involvement

When an officer-involved shooting investigation is commenced, one of the fundamental responsibilities of investigators is to identify the involved officers as well as witness officers to the incident. Another expectation is that officers who are not directly involved in the incident but responded to the scene are asked to document their involvement in a written report. However, in this case, records indicate that responding officers did not contemporaneously document such involvement and observations. In fact, it appears that several days passed before the IDFIT team requested the preparation of such reports. And, as noted above, because no crime scene log was maintained, it was impossible for IDFIT investigators to ensure that all responding officers did provide the requested reports.

This delayed preparation of reports is another indication of the need to modify the IDFIT protocols to ensure that all law enforcement members that respond to an officer-involved shooting scene or have any involvement in the incident prepare a contemporaneous report documenting observations and tasks. And SPD should similarly create written protocols ensuring that any personnel who respond to an officer-involved shooting prepare written reports of their activity.

IDFIT's current SOPs provide insufficient guidance to ensure that all officers who responded to the incident prepare reports. The initial recommendation stands.

RECOMMENDATION TEN: IDFIT should revise their officer-involved investigative protocols to ensure contemporaneous preparation of reports by law enforcement personnel that respond to an officer-involved shooting or are otherwise involved in collateral responsibilities relating to the investigation.

## Missed Analysis of Taser Deployment

The investigative files reveal that after the incident, the two Tasers deployed in this incident were downloaded for some basic informational data. The downloaded information revealed that one Taser was deployed four times for 5, 6, 4 and 22 seconds respectively; the other Taser was deployed three times for 5, 5, and 29 seconds respectively.<sup>6</sup> The extended deployments identified by the data show that the last deployment by both Tasers were for an unusually long period and not in accord with the recommended five second deployment by the manufacturer.

Besides downloading this data and including it in the investigative file, there was no further analysis of the information by either the IDFIT investigators or SPD. As part of its contractual services, the manufacturer will provide a detailed analysis of Taser uses that provides helpful information about efficacy and other aspects of the deployment. Neither IDFIT nor SPD took advantage of this service; as a result, neither the criminal nor the administrative investigation benefited from the insight that such an analysis could reveal. Both entities should have ensured that a full Taser analysis was obtained from the manufacturer.

IDFIT's current SOPs are silent regarding collecting this information. The original recommendation stands.

RECOMMENDATION ELEVEN: IDFIT protocols should instruct that whenever a Taser is deployed in relation to an officer-involved shooting incident, investigative authorities should request a full analysis from the manufacturer.

## Conclusion

We appreciated the opportunity to review the additional materials relating to IDFIT's protocols. It caused us to recognize that a few of the principles initially identified in our report were covered by the team's SOPs. However, the fact that the investigative steps

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<sup>6</sup>Significantly and unfortunately, the investigation did not match the deployment patterns to the respective officers (though it easily could have).

were not performed, despite the SOPs instructions, raised different questions and suggested a need for an after-action review process to assess compliance with protocols and devise remediation for investigative steps not taken.

We also appreciated the opportunity to attend the IDFIT meeting and discuss the recommendations advanced in our report. Finally, we are hopeful that the additional work and assessment proposed by the District Attorney will result in improved protocols and improved investigations of officer-involved shootings in Lane County. We are also hopeful that the recommendations advanced in this report are considered in the spirit with which they are offered.





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# The Register-Guard

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## ARCHIVE

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### LOCAL NEWS

# Fatal shooting found justified; victim's sister regrets 911 call

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BY JACK MORAN

*The Register-Guard*

APPEARED IN PRINT: THURSDAY, NOV. 4, 2010, PAGE A1

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VENETA — Four Lane County sheriff's deputies had a police dog, a Taser and a gun loaded with 40mm sponge rounds at their disposal last Thursday when they encountered a drunk and belligerent Mark Casterline in his bedroom, armed with a large knife.

But rather than rely solely on those "less-lethal" tools to subdue Casterline, deputy Ryan Lane killed him by firing a .45-caliber bullet into the Veneta man's head from a distance of no more than six feet.

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Lane County District Attorney Alex Gardner announced Thursday that prosecutors have concluded that Lane acted justifiably and legally when he shot and killed Casterline.

The bottom line, Gardner said, is that Casterline was armed with a deadly weapon and close enough to harm deputies had he made one swift move.

"Someone at that distance represents a potentially lethal threat," Gardner said.

"All of the deputies hoped this would resolve without somebody getting hurt," he said. "But as soon as the (bedroom) door opened, they found somebody poised to lunge at them."

Casterline's sister, Lori Gathers, called deputies to the apartment she shares with her fiance to report that her 49-year-old brother — who had been staying with the couple — was intoxicated and causing problems.

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Sheriff's officials said Gathers reported that Casterline had shoved her after she asked him and his uninvited friends to leave the apartment at 25182 E. Broadway Ave. in Veneta.

Gathers, 46, tells a slightly different story. She says that her brother never laid a hand on her that day, and that she only requested help from police because Casterline refused her demands to leave the apartment until he sobered up.

"He didn't push me at all," Gathers said. "He was just being obnoxious, telling me to F-off. When I talked to the (911 dispatcher) I said, 'Please do not hurt him. I just want him out of the house for a couple hours.'"

Deputies arrived and ushered Gathers into a neighbor's apartment. About five minutes later, she heard Lane fire his .45-caliber handgun.

"I ran out crying and asked them, 'Is he dead? Did you kill my brother?' They wouldn't tell me anything," Gathers said.

"Now, I live in a home where my brother got his head blown off," she said. "It hurts so much, because Mark was a good guy, and he didn't deserve this."

Sheriff Russ Burger said Thursday that the deputies were in a confined space at the top of a staircase outside Casterline's second-floor bedroom when they ordered Casterline several times to drop a large, butcher-type knife while advising him that he was under arrest.

Throughout the confrontation, Casterline held the knife in a "threatening position" and aggressively refused deputies' orders to surrender, Gardner said.

Although Casterline didn't make any sudden move toward Lane, "deputies made a decision in a split second that the threat was imminent," which is why the deputy shot him, Gardner said.

At about the same time, a second deputy fired a 40mm "sponge round" at Casterline, which also struck him. Another deputy at the scene was armed with a Taser stun gun, but did not activate it, Burger said.

Knowing that other options were available, Gathers said she doesn't understand why her brother had to die.

"They had enough stuff that they could have subdued Mark without shooting him in the head," she said.

Gardner said Casterline was well known to local law enforcement officials from more than 130 prior contacts with him, many of which involved threatening behavior. Three of the four deputies who responded to his sister's apartment were aware of his criminal history, Burger said.

Gathers said Casterline had been living with her since he was released from jail in April, and remained sober for about five months before he began drinking again. She said her brother suffered from depression and other debilitating mental problems, along with a failing liver.

Gathers said she regrets calling police to her apartment last Thursday.

"If I could take it all back, I would," she said. "I will never call another cop for help ever again."

The investigation into the shooting was conducted by a team of detectives from Oregon State Police, Eugene and Springfield police departments and the sheriff's office.

Lane began work as a Lane County sheriff's deputy about 10 years ago. Placed on administrative leave immediately after the shooting a routine move whenever an officer involved shooting is under investigation Lane will return to the job next week, Burger said.

Lane was cleared of any wrongdoing in a previous investigation conducted after he shot and injured a 55 year old man who pointed a gun at deputies in September 2008 southeast of Cottage Grove.

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9/16/22, 10:01 AM

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# Pick to lead new Washington office investigating police deadly force is Microsoft lawyer, former judge



By [Troy Brynelson](#) (OPB)

May 18, 2022 4 43 p m **Updated** May 18, 2022 5 38 p m

**Starting in June, attorney Roger Rogoff will lead the Office of Independent Investigations in Washington. The office is tasked with reviewing deadly police encounters throughout Washington state.**

A new Washington agency created to put greater civilian oversight over police violence has found its executive director.

Gov. Jay Inslee on Wednesday appointed Roger Rogoff, a current attorney for Microsoft who spent nearly three decades in the King County criminal justice system, to lead the Office of Independent Investigations.

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The office, with a \$24 million two-year budget and an eventual staff of about 80 people,



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quality over current investigative practices.

Inslee appointed Rogoff at the recommendation of an 11-person advisory board made up of attorneys, a police chief and at least one person who has lost a family member to police violence.



FILE - King County Superior Court Judge Roger Rogoff stands in court on Oct. 10, 2016, in Seattle. Rogoff, a former judge and prosecutor, is being appointed to oversee Washington state's new independent office to review cases where police use deadly force – the first such agency in the U.S, Washington Gov. Jay Inslee said Wednesday, May 18, 2022.

*Ted S. Warren / AP*

Inslee said at a press conference that he hoped the appointment will inspire more trust.

“This office is about getting to the truth... it’s about providing justice to families,” Inslee said. “And it’s about getting truly independent investigations so that all of us can have a highly credible, factual basis on which to make decisions.”

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Reached by phone Wednesday, Rogoff said he sought the position for a chance to mend relationships in the state.

“I’ve been a part of the criminal justice system for my entire career. I’ve seen it work really well and I’ve seen the inequities that have seen it not work really well,” Rogoff said. “This is a part of the system that has not worked really well. There’s been a lack of credibility of these investigations in the minds of the people who have been impacted by it.”

The office is still taking shape. Among Rogoff’s first duties will be to develop policies and procedures, such as how they will work with local law enforcement agencies. There may also be a policy question as to what extent the office can investigate, and whether the office would ever investigate a case that didn’t involve deadly force.

“That’s something the office is going to have to make a decision on,” said Hector Castro, a governor’s office spokesperson. “The priority is to make sure these investigations are performed at the highest level, that they’re high-quality, that they have great credibility.”

To start, the office will be limited on the time frame of its investigations. The state law requires that for the first year, the Office of Independent Investigations only focus on new cases. That timeline expands in July 2023, when the office may begin considering past cases to reopen.

Currently, an officer’s use of deadly force in Washington will spur an investigation by an entity known as an Independent Investigative Team or IIT. IITs are mostly comprised of police from neighboring agencies. Two citizens also serve on the teams, but not in any investigatory capacity.

Like the new office, IITs are an outgrowth of public concern. In 2019, a group of Washington residents successfully petitioned to put changes to deadly-force laws on the ballot. The resulting initiative, Initiative 940, passed.

Police reform advocates have continued to push. Data collected by members of the Washington Coalition for Police Accountability show there have been 144 fatal police shootings since December 2018.

When asked how he felt about balancing the desires of those who want reform with



“I think that everyone involved in these cases - from law enforcement to impacted communities to families who are directly impacted - really want two things,” he said. “Really credible, well-done investigations .... and transparency and understanding about how these investigations work.”

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Officers told investigators that Carlos Hunter reached for a gun when they attempted to search his car. The lawsuit contends Hunter never grabbed the gun, and questions whether he reached.

March 18, 2022



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## Investigation clears 2 Tacoma officers involved in Black man's death

Tacoma Police Department interim Chief Mike Ake says an investigation shows two officers involved in the death of Manuel Ellis have been exonerated of any wrongdoing. Three other officers still face criminal charges.

Dec 21, 2021



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## Confusion besets new police reform laws in Washington state

Washington state is embarking on a massive experiment in police reform and accountability following the racial justice protests that erupted after George Floyd's murder last year, with nearly a dozen laws that took effect Sunday.

July 26, 2021

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**Archived:** Monday, September 12, 2022 12:23:43 PM

**From:** [Hilary Vander Veer](#)

**Mail received time:** Mon, 12 Sep 2022 18:50:27

**Sent:** Mon, 12 Sep 2022 11:50:12

**To:** [ORLawEnf Commission](#)

**Subject:** Commission on Statewide Law Enforcement Standards of Conduct and Discipline

**Importance:** Normal

**Sensitivity:** None

---

**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

I join with CALC and SURJ in demanding higher standards for conduct of law enforcement than what has been proposed.

Officers who are part of or connected to white supremacist organizations, and officers who commit sexual assault, DO NOT DESERVE the privilege of serving the community in this role. They are supposed to protect the public: we have seen how egregious the behavior of some law enforcement has been, especially toward racial minorities, the unhoused, and vulnerable women. They need to be held to the highest standard, not the lowest. Sexual assault and affiliation with white supremacist groups should disqualify any person from holding a law enforcement position.

Hilary Vander Veer

Eugene, OR

**From:** [Portland Copwatch](#)

**Mail received time:** Mon, 12 Sep 2022 22:02:03

**Sent:** Mon, 12 Sep 2022 15:01:59

**To:** [ORLawEnf Commission](#)

**Subject:** Addendum Re: TESTIMONY on state discipline standards from Portland

**Importance:** Normal

**Sensitivity:** None

**Archived:** Monday, September 12, 2022 4:05:56 PM

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Copwatch

Reply-To:

In-Reply-To:

<CO6PR09MB863012A03895FDA1E60D23F3C47B9@CO6PR09MB8630 namprd09.prod.outlook.com>

To the LESC:

In our testimony on September 1, we may have mis-stated the use of the words "solely or primarily" in state law and Portland Police policy with regard to profiling. Unfortunately, the state statute (131.915) and Police Bureau policy (344.05) both use the word "solely" in the way the Commission is using it. However, the Bureau's policy on immigration status (810.10) uses the words "solely or primarily" twice in prohibiting officers from incorrectly using a person's immigration status.

We stand by the meaning of our testimony, which is that the discipline standard for profiling should use both words rather than just "solely."

dan handelman  
portland copwatch

**Archived:** Tuesday, September 13, 2022 8:35:59 AM

**From:** [Joanne Mina](#)

**Mail received time:** Tue, 13 Sep 2022 03:02:18

**Sent:** Mon, 12 Sep 2022 20:01:47

**To:** [ORLawEnf Commission](#)

**Subject:** Public comment: Commission on Statewide Law Enforcement Standards of Conduct and Discipline

**Importance:** Normal

**Sensitivity:** None

**Attachments:**

[testimony - Commission on Law Enforcement Standards of Conduct and Discipline.pdf](#);

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Public comment referring to Commission Recommendations on Statewide Law Enforcement Standards of Conduct and Discipline.

On behalf of Oregon's [Interfaith Movement for Immigrant Justice](#)

Joanne Mina

Pronouns: She/Her/Hers

Community Organizer / Organizadora Comunitaria

[Interfaith Movement for Immigrant Justice](#)

Phone: 541-248-4731

Schedule a 1:1 meeting using [my calendly link](#)

"Redressing power imbalances and developing mutually beneficial and non-paternalistic partnerships requires that we create a culture that shares power and gives community members the agency to be the authors of their own recovery."

~ [Faith and the Vaccine -Community Pandemic and Vaccine Stories](#).

08/29/2022

Commission on Law Enforcement Standards of Conduct and Discipline,

The Interfaith Movement For Immigrant Justice is in relationship with over 160 faith communities throughout the state of Oregon. Our IMIrJ community includes hundreds of people of faith and secular communities from diverse backgrounds and religious traditions.

Since 2006 we have come together around a shared reverence for the significance of sanctuary in both a spiritual and political sense. At a fundamental level, Sanctuary is about belonging and having a safe place. Unfortunately, the threat of racial profiling, harassment, detention, and separation from one's family is still very real for many Oregonians -- including many beloved members of our congregations and communities. It's especially acute for Oregonians who are immigrants and people of color.

During the 2021 legislative session, we advocated for racial justice bills to ensure police accountability, including the bill that created the Commission on Law Enforcement Standards of Conduct and Discipline. Our communities advocated for these bills because we have accompanied too many members of our communities who have been victims of profiling and aggression from law enforcement.

We do not believe the current standards proposed will create the community accountability we envisioned in 2021. We urge the Commission to stop proceeding with the current proposed standards because they do not keep law enforcement officers accountable to the communities they are supposed to serve. The Commission must center negatively impacted communities to truly move us in a direction of repair and healing.

When a law enforcement 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, they should be held accountable. The Commission has a responsibility to ensure that racism, hate, sexual assault, and violence are unacceptable.

We urge you not to adopt current standards and allow communities directly impacted by discriminatory policing practices to lead a new process to create community-centered standards for law enforcement conduct and discipline rooted in transparency and equity for historically oppressed people in Oregon.

With gratitude,

Rev. Ernestein Flemister - St. Luke's Episcopal Church, Grants Pass

Rev. Pastor Chris De La Cruz - Westminster Presbyterian Church, Portland

LaVeta Gilmore Jones - Leaven Community, Portland

Alaide Vilchis Ibarra

Executive Director - The Interfaith Movement for Immigrant Justice (IMIrJ) (statewide)



- Jeff Merrick
- Jason Kafoury
- Greg Kafoury

We should not silently behold this gathering storm of incoherent dreams, misjudged exaggerations and imagined futurity as "not a big deal". Their active role in the delegitimation of State security has made them so captive to their own lies that they cannot even see their activities have harmed the most the very people they purport to be helping.

-PUBLIUS

**Archived:** Friday, September 16, 2022 10:10:48 AM

**From:** [Anarchy Order](#)

**Mail received time:** Tue, 13 Sep 2022 04:35:12

**Sent:** Tue, 13 Sep 2022 04:34:57

**To:** [ORLawEnf Commission](#)

**Subject:** Destroying Law Enforcement and the Oregon Justice System

**Importance:** Normal

**Sensitivity:** None

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You can't destroy a system in one strike. You have to erode it through various political morphologies, dissensus and destabilization. This is the praxis of a fifth-column. To introduce new tensions, degrade performance, demoralize police, intimidate citizens, create contradictions and to slowly convince us that systematic reform is impossible.

In 1776 the citizens of America took up arms against a distant Government whose intolerable acts had worn down the colonies and subjects of a King into violent revolt. The palladium of liberty would be established through such violence as would the same Constitution which any Oregon lawyer swears an oath of office to uphold.

[https://www.osbar.org/\\_docs/admissions/forms/Oath.pdf](https://www.osbar.org/_docs/admissions/forms/Oath.pdf)

Yet it is these same lawyers and Judges who constantly and very openly work against law enforcement, our Justice system and the citizens. Well the citizens are tired of being tired! The Judicial activity which is occurring in Portland is not only a violation of their oath for admission to the practice of law in Oregon but a mockery of our Constitution's Fourteenth Amendment, Section 3 and is very close to Seditious Conspiracy Title 18, Section 2384 charges.

It's time for the Oregon State Bar to get serious about revoking the licenses of Judges and lawyers who have metastasized Justice into revenge. These are individuals far more interested in their own careers than the administration of Justice within a representative Republic.

- Alan Kessler
- William Penn
- Athul Acharya
- Juan Chaves
- Crystal Maloney
- Ashlee Albies
- Kristen Chambers
- Kat Mahoney
- Scott Leonard
- Chris O'Connor
- Rain Peck
- Katherine McDowell
- Rich Oberdorfer
- Michael Fuller
- Bear Wilner-Nugen
- Franz Bruggemeier
- James McCandlish

- Jeff Merrick
- Jason Kafoury
- Greg Kafoury

We should not silently behold this gathering storm of incoherent dreams, misjudged exaggerations and imagined futurity as "not a big deal". Their active role in the delegitimation of State security has made them so captive to their own lies that they cannot even see their activities have harmed the most the very people they purport to be helping.

-PUBLIUS



**Archived:** Tuesday, September 13, 2022 11:56:40 AM

**From:** [Janet Morrison](#)

**Mail received time:** Tue, 13 Sep 2022 17:41:20

**Sent:** Tue, 13 Sep 2022 10:41:04

**To:** [ORLawEnf Commission](#)

**Subject:** Commission Draft proposal

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Dear Co-Chairs Henson and Slauson, Director Boss, and Members of the Commission,

My name is Janet Morrison and I have lived and worked in Oregon since 1987.

I thank you for your time, work and dedication in creating the draft document outlining uniform standards of conduct for law enforcement officers and disciplinary standards.

With the passage of HB 2930 I understand that you have been tasked with proposing statewide rules that “improve professionalism of policing” and to help “build trust between law enforcement and the communities they serve.” I fully support these goals.

I urge the Commission to pause in proceeding with the current draft standards. There are many revisions needed. The standards must give a path to real accountability, not a menu of ways to mitigate responsibility for officers who have violated their oath. I understand this work has taken many hours of your time and effort as well as attempts to compromise with other commission members but the commission should reflect the population it serves and with a ratio of 7/ 13 members having police affiliation this make up does NOT do that. I would think that also including family members who have had relatives killed or injured by police violence be represented.

I am concerned that supervisors or disciplining bodies, for many offenses, can reduce the penalty issued for misconduct due to “mitigating factors” including “potential for rehabilitation” or “intention”. This is unclear and unjust.

Clarity and transparency in these standard descriptions is needed. Law enforcement officers who commit serious crimes need to know that they will be fired for sexual assault, unjustified or excessive force, or targeting a protected class human. This protects law enforcement personnel, those who train them and the supervisors. Those who violate these rules should be ineligible to work in law enforcement anywhere.

Like the many professions that require licensure, certification or levels of training and expertise from lawyers to teachers, law enforcement individuals too should be held accountable in performing the duties they have taken the oath to perform. They deserve to know those expectations and the consequences to be issued should the rules be broken.

Sincerely,

Janet Morrison

--



**Civil Liberties Defense Center**  
1430 Willamette St. #359  
Eugene, OR 97401  
Phone: 541-687-9180 Fax: 541.804.7391  
E-Mail: info@cldc.org Web: www.cldc.org

September 13, 2022

Commission on Statewide Law Enforcement Standards of Conduct and Discipline  
via email to ORLawEnfCommission@doj.state.or.us

To the Commission:

Below please find our comments on the proposed statewide rules for police officer conduct and discipline.

Civil Liberties Defense Center (CLDC) is a 501(c)(3) organization formed nearly twenty years ago to support movements that seek to dismantle the political and economic structures at the root of social inequality and environmental destruction. We provide litigation, education, legal and strategic resources to strengthen and embolden their success.

The Commission was established by HB 2930 (2021), for the purpose of adopting rules that prescribe uniform:

(1)(a) Standards of conduct, including guidelines and procedures, to which law enforcement officers shall adhere; and

(b) Disciplinary standards and procedures, including a range of disciplinary actions that may include consideration of aggravating or mitigating circumstances, by which a law enforcement agency, a civilian or community oversight board, agency or review body, and an arbitrator who serves in an arbitration proceeding described under ORS 243.706 (3) shall make determinations regarding alleged misconduct by a law enforcement officer, and shall make recommendations for and impose disciplinary action in response to such determinations.

\* \* \*

(3) At a minimum, the uniform standards described under subsection (1) of this section must address standards of conduct and discipline regarding:

- (a) Unjustified or excessive use of physical or deadly force;
- (b) Sexual harassment;
- (c) Sexual assault;
- (d) Assault;

(e) 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;

(f) Moral character; and

(g) The use of drugs or alcohol while on duty.

Of the 13 voting members on this Commission, more than half represent law enforcement interests (two police chiefs, a sheriff, three lawyers who represent police unions or police, and the executive director of the Oregon prosecutor's association), so it is not surprising that the draft rules are extremely weak—in essence, the fox is guarding the hen house. These proposed rules, if promulgated, would allow officers who undertake the type of behavior set forth in the 2021 statute to continue to escape accountability. These rules are a toothless attempt to placate the public into thinking that the systemic civil rights violations and racist deadly harms perpetuated by some police will be adequately addressed by these changes, but nothing could be farther from the truth.

For example, the proposed penalty can be as low as a *written reprimand* for the following, even after a finding of each of the elements, with the supervisor/department having the burden of proof:

- Killing or causing “serious physical injury”<sup>1</sup> to someone with *unjustified or excessive* physical force. (Proposed OAR 265-010-0015(2)(B)).
- *Sexual assault* (defined as “unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat or intimidation”). (Proposed OAR 265-010-0001(1)(B)).
- *Intentional* assault. (Proposed OAR 265-010-0010(1)(B)).
- Sexual harassment. (Proposed OAR 265-010-0005(1)(B)).

If an officer is found to have *intentionally* profiled someone based on race or other illegal factors,<sup>2</sup> under the proposed rules it is possible for the officer to keep their job, with penalties as low as a suspension, salary reduction, or demotion. (Proposed OAR 265-010-0020(1)(B)).

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<sup>1</sup> “[P]hysical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.” ORS 161.015(8).

<sup>2</sup> “[I]ntentionally targeting an individual for a suspected violation of law based solely on the individual's real or perceived, race, ethnicity, national origin, sex, gender identity, sexual orientation, religion, or homelessness.” (Proposed 265-010-0020(1)).

Indeed, such an outcome is likely, as opposed to just possible, if the supervisor/department is inclined to find mitigating factors, as discussed below.

Although the statute mandated the Commission to promulgate rules that address “[c]onduct 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,” the proposed rules address *only racial profiling* (targeting people for criminal enforcement). Specifically, there are no provisions for disciplining officers who have *demonstrated* racist or other discriminatory behavior – such as posting racist comments on social media, or being part of the Ku Klux Klan, 3 percenters, Oath Keepers, Proud Boys, or similar radical right-wing groups.

In leaving out this important indicator of problematic policing, the proposed rules lag behind the current trend. For example, the US military recently put in place a useful precedent for this sort of policy, threading the needle regarding first amendment protections:  
<https://www.militarytimes.com/news/pentagon-congress/2021/12/20/likes-shares-and-posts-now-prohibited-in-pentagons-new-anti-extremism-policy/>. Most military branches also now prohibit tattoos that “are drug-related, gang-related, extremist, obscene or indecent, sexist, or racist,” those that support “discrimination based on sexual orientation or gender identity,” and those that “advocate, engage in, or support terrorism” or “unlawful overthrow of the government.”  
<https://www.marinecorpstimes.com/news/your-marine-corps/2021/12/20/new-in-2022-marine-corps-loosens-its-strict-tattoo-policy/>.

In general, the opportunity in the proposed rules for “mitigation” for some types of behaviors is problematic, as it leaves open to the discretion of the supervisor/department how to interpret that word. The proposed state rules include a wide variety of vague mitigating factors, such as “Role of officer (subordinate to supervisor);” “Attempts to de-escalate”; “Potential for rehabilitation”; “Nature of event was unpredictable, volatile or unfolded rapidly”; “Extraordinary circumstances or hardships”; and “Lack of training or experience.” The exceptions swallow the rule and leave far too much discretion for the blue wall of silence to continue unabated.

It is especially troubling that, absent an actual criminal conviction, the consequences for the behaviors listed above (other than racial profiling) can be “mitigated” all the way down to a reprimand. In contrast, the minimum discipline under Portland Police Bureau’s guidelines (for lesser offenses) is 80 hours without pay, and for greater offenses 120 hours without pay.

We strongly oppose these proposed rules as basically meaningless. In fact, they are likely to further harm the public, by giving Oregon police departments the message that the current system of discretionary discipline is not subject to change, even after the abundant lip service paid to “police reforms” in the wake of the 2020 George Floyd protests and other public expressions of outrage about police abuses. In fact, some police departments have existing rules that are more stringent (for example, Portland), with minimum discipline that is greater than a written reprimand, and these proposed rules could encourage those departments to loosen those existing rules.

In addition, the proposed rules should include provisions to ensure that complaints against the police are available for public review. This is critical given the apparent inconsistent discipline



process; public complaints allow the community to be informed of which departments and officers are problematic and which are not. It can also help internal monitoring and outside watchdog groups identify patterns of misconduct, should they arise.

The Chicago Police Department makes public all officer complaints, regardless of whether an internal investigation or discipline occurs (see <https://www.chicagocopa.org/data-cases/case-portal/> and <https://invisible.institute/police-data/> ). The same public resource should be available throughout the state of Oregon. This request is firmly in line with the public interest and recent promises of reform and transparency in policing.

We urge you to revisit and strengthen the proposed rules.

Sincerely,

Lauren Regan  
Executive Director and Senior Attorney

**Archived:** Tuesday, September 13, 2022 4:04:39 PM

**From:** [Mike Peterson](#)

**Mail received time:** Tue, 13 Sep 2022 22:45:00

**Sent:** Tue, 13 Sep 2022 15:44:53

**To:** [ORLawEnf Commmission](#)

**Subject:** Proposed rule's inadequacies...

**Importance:** Normal

**Sensitivity:** None

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To Whom it May Concern:

"...The Commission's recommendations utterly fail to provide standards for accomplishing any of this; more than half of the voting members represent the very same law enforcement interests whose unethical, violent, and even criminal behavior it was convened to address. The draft rules are thus alarmingly weak, allowing officers to continue policing in their communities even after proven incidences of intentional profiling or demonstrated participation in racist or other discriminatory behavior. There are zero formal repercussions for cops who join hate groups. Furthermore, under these rules, virtually any of the named violations of people's rights – including sexual assault and 'unjustified killing without a criminal conviction (but not racial profiling) – can be 'mitigated' down to a reprimand under the discretion of the supervising officer or department, rendering them basically meaningless."

Respectfully Submitted

Michael E. Peterson

[wwmakers@comcast.net](mailto:wwmakers@comcast.net)

**Redacted**

**From:** [Holle Schaper](#)

**Mail received time:** Wed, 14 Sep 2022 00:29:08

**Sent:** Tue, 13 Sep 2022 17:29:02

**To:** [ORLawEnf Commission](#)

**Subject:** Comment on proposed statewide law enforcement standards of conduct and discipline

**Importance:** Normal

**Sensitivity:** None

**Archived:** Wednesday, September 14, 2022 8:00:40 AM

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\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\*

Greetings Director Boss, Co-chairs Henson and Slauson, and other Commission members,

The proposed rules for new statewide law enforcement standards of conduct and discipline fail to address the calls for increased accountability from law enforcement in the state of Oregon. I urge you to look more deeply at these standards in order to ensure that they act as true accountability mechanisms, as opposed to superficial cover that allows agencies within the state to claim advances in accountability and yet continue forward with the status quo. I would like to address four specific issues, though my concern spans the entirety of these proposed standards.

First, the presence of mitigating factors for every potential infraction, which diminish the consequences to potentially only a written reprimand for nearly every type of misconduct. As a quick example, let's consider sexual assault. Looking at the mitigating factors for sexual assault, this type of misconduct can be mitigated to only a written reprimand if an officer were to potentially: a) self-report the violation or b) accept responsibility for the violation, and if they c) had no repeated or other sustained misconduct and d) had a positive employment history. This is incredibly troubling on multiple levels. First, sexual assault should result in significantly more than a written reprimand even if the officer admits fault. Law enforcement officers have power over the general public – when a power differential exists, you must be held to a higher standard. Next, due to many union contracts, disciplinary records are not maintained past 2 years, so how would an organization or agency know whether or not an officer had a truly positive employment history? As just one example, here is the text from the Lane County Sheriff's Office union contract that is being adopted this week: "Article 16: Personnel Records; 16.3 Inclusion of reprimands: Documented oral reprimands shall not be placed in the official personnel file and shall be considered only when evaluating the performance of an employee or to indicate the progressiveness of discipline. Written reprimands may be placed in the official personnel file but, with the exception of those which address violations of applicable policies regarding sexual harassment, such documents shall not be considered in determining the degree of future discipline if the employee has not received any disciplinary action for a period of twenty-four (24) months from the date the letter of reprimand was issued and subsequently placed in the personnel record."

Second, the requirement that lethal force would first need to be found "unjustified" before these standards would apply would lead to no change. Currently, deadly force investigations are incredibly biased toward the officers involved based on the rules established by SB-111 in 2007. Until these investigations are improved and the clear conflicts of interest are resolved, every use of deadly force will to be ruled "justified," exactly as every case in Lane County has been since at least 2008. For example, the proposed standards would have had no impact on the officers involved in the incident that resulted in the largest settlement for use of force in the state of Oregon, which happened to occur in the city in which I live, Springfield. Any proposed state standards would only be a true win for accountability if they would have held those Springfield officers accountable.

Third, it is truly disappointing that this commission chose not to create any state standards around Officer involvement and membership in known hate groups. After the protests in 2020 following the murder of George Floyd, it became evident that law enforcement officers were treating the various protesters very differently. An active lawsuit within the City of Springfield highlights law enforcement actions of preferential treatment for white

supremacists and Proud Boy affiliated people, and brutality towards those affiliated with the Black Lives Matter movement. Having a state standard that ensured that law enforcement within the state of Oregon faced employment consequences for belonging to known hate groups would perhaps provide some protections for marginalized and vulnerable communities. That this commission chose to pass on that standard is very disappointing.

And finally, I think it is important to consider who is represented on this commission. It is heavily weighted towards those in and around law enforcement, as opposed to those who are victimized or targeted by law enforcement. I think the current draft of the standards is evidence that there are few diverse opinions within the discussion. I would urge you to reconsider having a vast majority of folks who benefit from a lack of accountability within law enforcement determine what accountability should look like for law enforcement.

I thank you for the work that you have done, and earnestly hope that you will revisit these standards to address the myriad limitations and shortcomings therein.

Thank you,  
Holle Schaper

**Archived:** Wednesday, September 14, 2022 8:03:03 AM

**From:** [jkern at efn.org](mailto:jkern@efn.org)

**Mail received time:** Wed, 14 Sep 2022 02:48:24

**Sent:** Tue, 13 Sep 2022 22:48:20

**To:** [ORLawEnf Commission](#)

**Subject:** Comments on Draft Conduct and Discipline Standards

**Importance:** Normal

**Sensitivity:** None

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**To:** [ORLawEnfCommission@doj.state.or.us](mailto:ORLawEnfCommission@doj.state.or.us)

**From:** Jeffrey Kern, [jkern@efn.org](mailto:jkern@efn.org)

**Subject:** Comments on Draft Conduct and Discipline Standards

Thank you for considering my comments about the draft rules on conduct and discipline standards for law enforcement agencies in Oregon. I have lived in Oregon for over 35-years.

While I appreciate the effort put in to this, I urge you not to approve these standards until they can be made even better. My main points are:

- the standards should include penalties for officers that join hate groups,
- there needs to be stronger sanctions for sexual harassment and sexual assault, and
- there also needs to be stronger sanctions for using excessive physical force.

Law enforcement officers wield considerable power and influence so they clearly should not be allowed to join hate groups. The Public deserves to be assured that they will be treated equally by law enforcement no matter who they are. Membership in these groups, or providing any aid to them, is completely inconsistent with serving the public good.

Many incidents of law enforcement misconduct have been sexual crimes. Given the great power that law enforcement have over people it is imperative that they be held to a very high standard concerning sexual harassment and sexual assault. The draft rules seem to offer many ways for officers to avoid sanctions and this needs to be changed. The mitigating factors are too broad. It's not clear enough who determines which mitigation measures would apply and who decides who to investigate.

If a law enforcement officer commits a sexual assault, maims or kills a person with unjustified or excessive physical force, or is in a racist or a hate group member they should be fired.

Thank you for your work and for considering my comments,

Jeffrey Kern

**Archived:** Wednesday, September 14, 2022 8:05:11 AM

**From:** [Pacific Northwest Family Circle](#)

**Mail received time:** Wed, 14 Sep 2022 06:24:33

**Sent:** Tue, 13 Sep 2022 23:23:52

**To:** [ORLawEnf Commission](#)

**Subject:** PNWFC Amending our Comment on standards of conduct and discipline for law enforcement

**Importance:** Normal

**Sensitivity:** None

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Dear Commissioners,

On 9/7/2022 zoom meeting, I presented testimony on behalf of the Family Members of Pacific Northwest Family Circle. I made an error in when signing up. This testimony is to clarify that Family Members DO NOT support the standards as they are today. We are asking commissioners to vote no and to continue working on standards that are more likely to result in holding police accountable.

Thank you for the opportunity to provide testimony.

Sincerely,

Rossi Cahill

they/them pronouns

writing to you from the Stolen Land of the Multnomah, the Chinook, and many other Peoples not named here

---

This email address is shared by:

Irene Kalonji & Shiloh Wilson-Phelps & Maria Rossi Cahill  
Co-Founder      Co-Founder      Volunteer Supporter

### **Pacific Northwest Family Circle**

PO Box 16522

Portland, OR 97292

971-350-5433

Instagram: [@pnwfamilycircle](#)

Twitter: [@PNWFamilyCircle](#)

[www.pnwfamilycircle.org](http://www.pnwfamilycircle.org)

This email is sent In Loving Memory of PNWFC Loved Ones and All Stolen Lives:

19 year-old Christopher Kalonji

22 year-old Bodhi Phelps

25 year-old Chance Thompson

17 year-old Moose Hayes "Quanice"

24 year-old Terrell Johnson

27 year-old Chase Hammer

21 year-old Brad Lee Morgan

27 year-old Daniel Isaac Covarrubias

29 year-old Alex Dold

49 year-old Captain Brian A. Babb

(alive) Andre Thompson

(alive) Bryson Chaplin

44 year-old Deano Case

54 year-old Remi Sabbe  
48 year-old John Elifritz  
43 year-old Jesse Powell  
27 year-old Patrick Kimmons  
35 year-old Matthew Burroughs  
36 year-old Andre Gladen  
20 year-old Giovanni Joseph-McDade  
29 year-old Joel Nelson  
31 year-old Titi Gulley  
16 year-old Brian Guy Dixon  
29-year-old Wesley Allen Barbee  
40 year-old Elibrio "Eli" Rodrigues  
(alive) Melvin Lewis Dillon  
(alive) Robert Dillon  
25-year-old Keaton Otis  
33-year-old Stacy Kenny  
42-year-old James Chasse  
24-year-old Herbert Hightower Jr.  
25-year-old Jesse Sarey  
37-year-old Bill Brown  
32-year-old Chase Brooks

**From:** [Rossi Cahill](#)  
**To:** [ORLawEnf Commission](#)  
**Subject:** Testimony for standards of conduct and discipline for law enforcement  
**Date:** Wednesday, September 14, 2022 12:29:56 AM

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Dear Commissioners,

Thank you for this opportunity to provide testimony. I presented testimony for Pacific Northwest Family Circle last week, but this testimony is not on their behalf. Today, this is my own personal testimony, based on 6 years of experience supporting Family Members whose Loved Ones were killed by police in Oregon and Washington. I'd like to share some of the things I've learned from Families along the way and why [I am asking you to vote no on these standards.](#)

### **THE LIVED EXPERIENCE OF MANY FAMILY MEMBERS**

When police kill someone, Families must face the loss of their Loved One. At the same time, they learn that the people who they thought were sworn to "serve and protect" cannot be trusted. Families' "world view" and sense of safety is deeply harmed, which causes them to lose trust in their community and sometimes their own judgement.

In a study of police accountability <sup>[1]</sup> that Irene Kalonji (Mother of Christopher Kalonji who was killed by Clackamas County sheriffs in 2016) participated in, David Baker, a Senior Lecturer in Criminology at Coventry University in the UK, found that "families feel there is little, or no accountability in the current justice processes". There was consistently a "lack of information made available to families, and lack of transparency in the process" of investigating and disciplining of officers in these cases. Families felt information was withheld and this meant a partial narrative was constructed, one that did not reflect multiple evidence sources in relation to the death. Families felt that the investigations were not independent, and this reflected a bias in favor of police, "not an impartial process of justice. The perceived lack of accountability, transparency, and independence combined to produce a lack of legitimacy. Families did not believe that criminal justice organizations were legitimate institutions in terms of producing justice and accountability after these deaths."

Speaking out against police violence is exhausting and takes a toll on the Families who feel compelled to do this work. You may have heard of Erica Garner's stress-induced death struggling for her Father Eric Garner, in NY. Locally, Fred Bryant died of a broken heart just 3 years into his justice struggle for his son Keaton Otis who was killed by Portland police 12 years ago.

### **POLICE INTIMIDATION IS COMMON**

After a Loved One is killed, police monitor and intimidate Families, especially ones who are speaking out about their experiences. Police drive by their houses or park outside them, they follow them through town as they drive. Houselessness is also a common experience, often because landlords don't like a lot of people coming and going, even if they're coming to support the Family. Irene Kalonji and her family were evicted when the sheriff's department refused to pay for the \$15,000 worth of damage they did while killing her son in their apartment <sup>[2]</sup>.

One Family Member, Shelly Morgan (Mother of Loved One Brad Lee Morgan) was regularly harassed at the McDonald's where she worked by the police officers that killed her son for 7 years. I and another Family Member requested a meeting to address this issue and Portland police's Chuck Lovell took our story. Afterwards, he issued a letter to the Family Member being harassed and the officers stating that the officers actions were inappropriate and that they should not go to that McDonald's anymore. They continued to go there. Ms. Morgan got a new job. The officers were never even disciplined for harassment or violating the requirements of the letter. Chuck Lovell was eventually promoted to police chief.



## WHY YOUR STANDARDS WILL NOT HOLD POLICE ACCOUNTABLE

Below this testimony, you can see the Loved Ones of PNWFC Family Members struggling for justice together. Half of them were killed in a mental health crisis. The others were suspects (i.e. had not been found guilty of a crime yet) or profiled for being Black.

These people are just a tiny portion of the deaths at the hands of police. Over 400 community members in Oregon alone have been killed by police in the last 30 years. Every single one of those deaths was found justified, meaning that in every interaction with police that ended in the death of a Loved One, district attorneys found that police made the correct decision in killing those people.

**The brand of justice doled out by district attorneys is not accountable or transparent and has protected and even rewarded police officers in Oregon in every case to date. The standard relies on a police homicide of a community member being found unjustified, but this has never happened.**

Instead, when an officer kills a community member, with heartbreaking consistency, police officers are given paid administrative leave and their jobs are restored. Often, they receive medals of valor and go on to receive promotions.

## PERSONAL IMPACT STATEMENT

Knowing all of this has had a devastating personal impact on me. This kind of “public safety” does not make me feel safe. And, I fear even this testimony could make me a target of police intimidation.

One time, our alarm went off and police came to investigate. When the police came, the person who set the alarm off was long gone. My spouse was out front talking to police. When I came around the corner, I noticed one of the officers jerked and reached for their gun. That day, I got to witness personally just how on-edge police officers can be.

After that, a few things happened to me where I would've called the police if I had not been doing this work. Once, I was punched in the head by a stranger in my driveway. I did not call the police. Another time, there was a houseless neighbor on my porch, twice in two weeks, in a mental health crisis. I did not call the police. Still another time, a young man who was sexually aggressive at a festival I was attending needed to be removed from the general public. I convinced decision-makers there not to call the police. Instead, we de-escalated and monitored him ourselves until he was sober enough to drive.

Police cannot be everywhere at once. They do not magically prevent crime and they rarely solve them either. They will never be as well trained as the mental health professionals that got our family through two harrowing nights of a person in a mental health crisis on our front porch. They are simply not useful for most situations that they are being used for.

## VOTE NO ON THESE STANDARDS

These standards are not going to influence the decisions and actions of police in Oregon. They are not going to be used to discipline police when they mistakes or knowingly go against their own standards of conduct and policies.

**These standards are simply too weak and based on a false assumption that district attorneys are willing and able to hold police accountable when necessary. Vote no on these standards, and continue working to improve them taking guidance first and foremost from people whose Loved Ones were killed by police.** 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.

Sincerely,

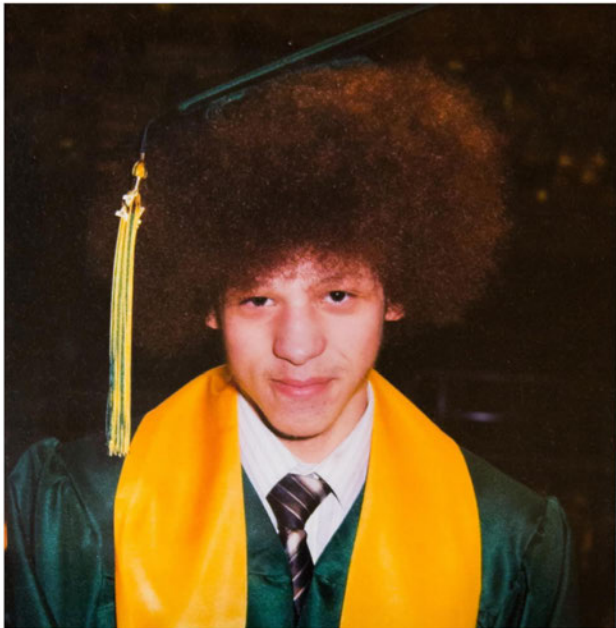
Maria Rossi Cahill  
**Redacted**

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[1] <http://www.pnwfamilycircle.org/final-report-families-and-justice-in-cases-of-death-after-police-contact-in-the-united-states/>

[2] <https://pamplinmedia.com/pt/9-news/312896-186781-clackamas-county-christopher-kalonji-family-should-pay-for-damage-in-deadly-police-shooting>

## **Christopher Kalonji**



19-year-old Loved One  
killed by Clackamas County, OR sheriffs  
on Jan 28, 2016

# **Bodhi Phelps**



22-year-old Loved One  
killed by Gresham, OR police  
on May 24, 2016

# **Wesley Allen Barbee**

No Photo Available

29-year-old Loved One  
killed by Englewood, CA Police  
in 1998

# **Brian Guy Dixon**

No Photo Available

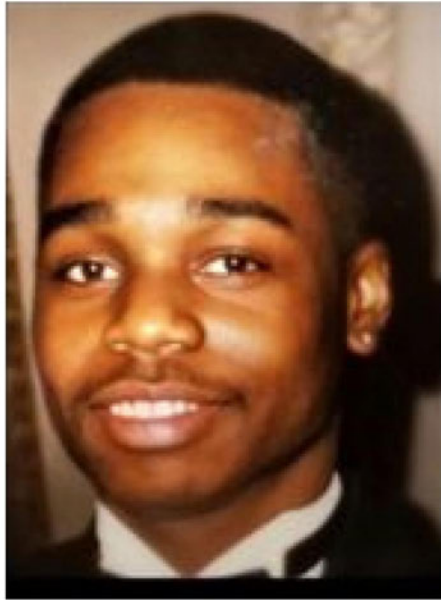
16-year-old Loved One  
killed by Salem, OR police  
on Aug 31, 1984

# Bill Brown



37-year-old Loved One  
killed by Portland, OR police  
on March 17, 1988

# **Herbert Hightower Jr.**



25-year-old Loved One  
killed by Seattle, WA Police  
on Sep 8, 2004

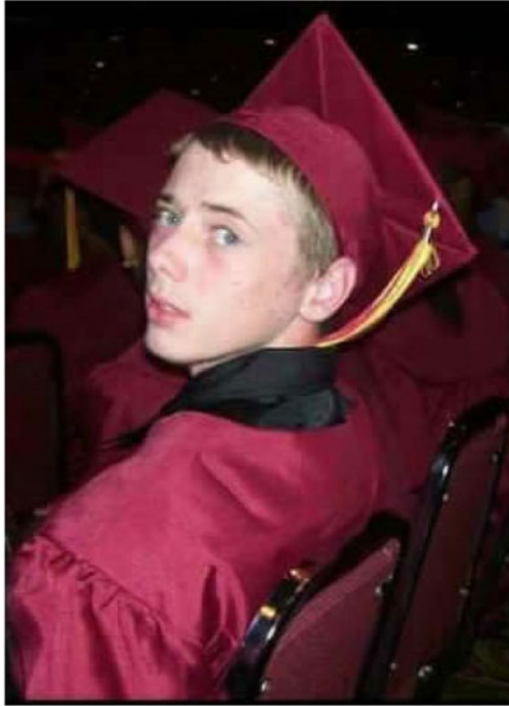
# James Chasse



42-year-old Loved One  
killed by Portland Police  
on Sep 17, 2006



# **Brad Lee Morgan**



21-year-old Loved One  
killed by Portland, OR police  
on Jan 25, 2012

# Chase Hammer



27-year-old Loved One  
killed by Salem, OR police  
on Oct 21, 2012

# **Captain Brian A. Babb**



49-year-old Loved One  
killed by police in Eugene, OR  
on Mar 30, 2015

# **Daniel Isaac Covarrubias**



37-year-old Loved One  
killed by Lakewood, WA police  
on Apr 21, 2015

# **Joel Nelson**



29-year-old Loved One  
killed by Thurston County, WA Police  
on Jan 5, 2016

# **Moose Hayes (Quanice)**



17-year-old Loved One  
killed by Portland, OR police  
on Feb 9, 2017

# Alex Dold

SOME LOVE STORIES CHANGE THE WORLD...



29-year-old Loved One  
killed by Snohomish Co, WA sheriffs  
on Mar 21, 2017

# **Chance Thompson**



25-year-old Loved One  
killed by West Linn, OR police  
on Apr 21, 2017



# Terrell Johnson



24-year-old Loved One  
killed by Portland, OR police  
on May 10, 2017

# **Giovonn Joseph-McDade**



20-year-old Loved One  
killed by Kent, WA Police  
on Jun 24, 2017

# Remi Sabbe



54-year-old Loved One  
killed by Washington Co, OR sheriffs  
on Jan 12, 2018

# **John Elifritz**



48-year-old Loved One  
killed by Portland Police and a Multnomah  
Co Sheriff on Apr 7, 2018

# **Jesse Powell**



43-year-old Loved One  
killed by Deschutes County, OR sheriffs  
on Jun 20, 2018

# Deano Case



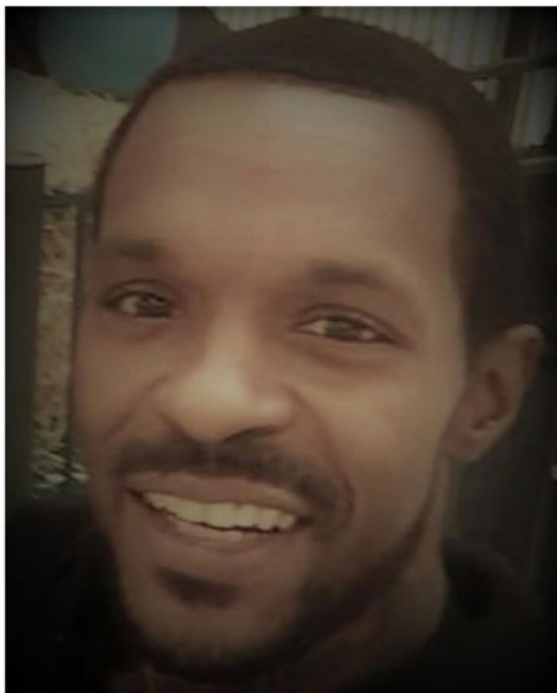
44-year-old Loved One  
killed by Clatsop County, OR sheriffs  
on Jul 25, 2018

# Patrick Kimmons



27-year-old Loved One  
killed by Portland, OR Police  
on Sep 30, 2018

# **Matthew Burroughs**



35-year-old Loved One  
killed by Niles, OH Police  
on Jan 2, 2019



# Andre Gladen



35-year-old Loved One  
killed by Portland, OR Police  
on Jan 6, 2019

# Stacy Kenny



33-year-old Loved One  
killed by Springfield Police  
on Mar 31, 2019

# Titi Gulley



31-year-old Loved One  
killed in Portland  
on May 27, 2019

# **Jesse Sarey**



25-year-old Loved One  
killed by Auburn, WA police  
on May 31, 2019

# **Eliborio Rodrigues**



40-year-old Loved One  
killed by Eugene, OR police  
on Nov 30, 2019

# **Andre Thompson and Bryson Chaplin**



Loved Ones/Brothers  
injured by Olympia, WA police officer  
on May 21, 2015.  
They survived!

# Melvin Dillon



(alive)

# **Robert Dillon**

No Photo Available

(alive)



# **Keaton Otis**



24-year-old Loved One  
killed by Portland Police  
on May 12, 2010



# Pacific Northwest Family Circle

Oregon & Washington Families for Police Accountability for their Loved Ones

## Final report: Families and justice in cases of death after police contact in the United States

### The purpose of this report

This report presents the final findings of the research project. The recipients of this report are the families who participated in the research project, and any activist/community group that facilitated access to the research participants. The intention is to keep you informed about the findings of the research project you participated in last year. You are welcome to share this report with anyone you wish, you do not need to seek my permission to do so.

### Project overview

The research project examined how families try to achieve justice in cases where family members die after police contact in the United States. It did this by interviewing members of 43 families who had a family member die after police contact. It aimed to

- Understand the circumstances in which deaths after police contact occur in the US.
- Examine families' key issues of concern in these cases in the US
- Document the actions and processes families perceive they go through in attempting to get accountability in such cases in the US.

Family members were interviewed using a semi-structured list of questions. The length of interviews varied from 35 minutes to one hour and 30 minutes. The average interview length was approximately one hour. Interviews were recorded between July and December 2016.

This report was produced by using a specialist software programme called 'Nvivo' to analyse the written transcripts of these interviews. It enables the researcher to thematically identify the most common issues raised by families during the interview process.

### Literature used in this report

A number of academic and governmental literature sources are used as citations throughout this report to ground some of the findings and put them into the wider context of policing in the US. One key piece of literature used is the President's Task Force on Policing in the 21<sup>st</sup> Century (hereafter PTF 2015). This was published in 2015 and represents the most up to date official evaluation of where policing currently is in the US in addition to clearly articulating a vision for the future of policing in the US. A full list of reference sources is set out in full at the end of this report.

### What happens next on the research project?

I will now focus on producing articles for academic publications. Once published these articles will be available to any university student or teacher (Professor) in the English-speaking world who wishes to research the issue of deaths after police contact in the US. I will also begin to give talks at major Criminology conferences on some of the key findings from this research. The first conference will be the European Society of Criminology conference on September 14<sup>th</sup> 2017, where I will give a paper titled: "We are not the enemy": deaths after police contact in the United States.' More than one thousand Professors and PhD students from all over Europe (and beyond) attend this conference every year. Periodically I will update you with news about articles that have been published, or conference talks I have delivered.

### Acknowledgements and funding

First and foremost, I would like to thank every family member who participated in this research project. Simply stated without your participation there would be no research project. I would also like to thank the various community and advocacy groups (there are too many to mention here) that facilitated access to a number family members who eventually became participants in this project.

The funding for this research was provided by the Fulbright Commission in conjunction with Elon University in North Carolina. I would like to express my gratitude to both institutions for enabling me to conduct this research project.

Finally I would like to thank Coventry University for kindly providing the resources to transcribe the 50 hours of audio data from the interviews recorded with families. In total, approximately 850 pages of interview data was transcribed, and thus has enabled this report to be produced.

### Contextual details

The deaths in question occurred between 1999 and 2016. Of the 43 individuals who died after police contact:

37 were male, 6 were female.

24 were African-American, 13 were Caucasian, 3 were Latino, 2 were mixed-race and 1 was Native American.

The youngest victims were aged 16, the oldest was aged 59. The average age of the deceased was 26.5 years. The following age ranges detail the ages of those who died after police contact:

| Age range | Number of deaths |
|-----------|------------------|
| 16-20     | 10               |
| 21-30     | 22               |
| 31-40     | 5                |
| 41-50     | 5                |
| 51-60     | 1                |

The great majority of deaths (40 out of 43) occurred as a result of being shot by police. Two deaths occurred due to restraint, one person died in police custody.

Interviews were conducted in 16 states in the continental US. These included the west coast (Washington, Oregon and California); the east coast (New York, Massachusetts, Maryland and Virginia); the south (North Carolina, Georgia, Texas and Louisiana); east-central (Illinois, Ohio and Wisconsin); and west-central (Utah and Nevada)

### Summary of findings

This report outlines 18 key findings detailed on pages 4-14 of this report. The overall message from these findings is that families feel there is *little, or no accountability* in the current justice processes when citizens die after police contact in the US. Families believe that police are not held accountable for actions that lead to the deaths of citizens. This perception is partly based on the lack of information made available to families, and *lack of transparency* in the investigatory or disciplinary process in the aftermath of such deaths. Families felt that the withholding of information by criminal justice organisations meant a partial narrative was constructed in the aftermath of the death of their loved one, a narrative that did not reflect multiple evidence sources in relation to the death. A *lack of independence* in the investigatory or disciplinary processes exacerbated these concerns as families felt these were overtly biased in favour of police, rather than being demonstrably impartial processes.

of justice. The perceived lack of accountability, transparency, and independence combined to produce a **lack of legitimacy** in criminal justice organisations. Families did not believe that criminal justice organisations were legitimate institutions in terms of producing justice and accountability after these deaths. This led families to question their belief in other official organisations, and in many cases, their general world-view of what justice and truth was in the US.

The initial impetus for this research project came from the revelation that the US federal government did not have an accurate count of how many citizens were killed by police in the US. Beginning in late 2014, the UK Guardian Media Group constructed an interactive website ('The Counted') to calculate this number, and estimated that in 2015 it was 1146, and in 2016 it was 1093. In other words, in 2015 and 2016, approximately three citizens per day were killed by police in the US. Both the FBI and Department of Justice have accepted that these figures represent the most accurate available data and have now begun to use 'The Counted' methodology to compile statistics on this issue. Zimring (2017: 246) notes that the scale of killing was so remarkable that a foreign media group was prepared to dedicate two years of extensive research and analysis to the issue. By interviewing family members about how their loved ones had died, I aimed to try and understand this issue from the 'ground up'. There are serious concerns about the legitimacy and accountability of the police and criminal justice system from the outset when the lack of accurate data is considered. It raises questions such as: 'Do the people who die count?'; 'How can police be held accountable for deaths when there is no accurate data?'; and, 'Are these individual cases, or part of wider organisational patterns of culture and behaviour, and how can we know without accurate data?' A plethora of academic authors (Campbell, Nix, and Maguire 2017, Dunham and Petersen 2017, Hickman and Poore 2016, Marenin 2016, Klinger *et al.* 2015, Katz 2015) have noted the lamentable quality of data available on this issue. It must be noted that the accuracy of future data collected by the Department of Justice and the FBI under their new guidelines is yet to be assessed. This report considers the human cost of deaths after police contact in the US, and aims to examine how these deaths affect wider social, political and legal issues in the US such as legitimacy, fairness, democracy and trust in public organisations.

### ***Headline findings from the research project***

#### **1. Lack of information**

**All participants stressed the lack of information made available to them from the time their loved one died, through the process of investigating their death, and including any subsequent legal or disciplinary processes. This lack of information related to any combination (or all) of the following: police initially present at the scene of death; police responsible for investigating the death, or updating the family on the process of any such investigation; the coroner/medical examiner (ME); the District Attorney (DA); and/or the judge. The lack of information covers the early stages of the death, when families were often not informed that their loved one was dead until hours after the fact,**

despite asking specific questions to that effect. It continued through to the coroner/ME failing to provide death certificates or autopsy reports, despite them being available. The investigation of the death and any subsequent disciplinary or legal procedures were considered by families to be fraught by delay and obfuscation by the relevant authorities. Most commonly, families felt they were denied access to documents; in some cases, it was denied that documents existed, but were then leaked to the media; in a number of cases families were allowed access to documents only to find them so heavily redacted as to be effectively unreadable. Examples of comments from families included:

*Case 8: 'I was riding to the grocery store and heard that the death certificate had been released...and I didn't have a copy, but [the media] had a copy.'*

*Case 16: 'We kept asking questions, because I wanted to know where my son was and if he was ok... they just kept telling us to wait and to wait.'*

The opening page of the PTF (2015: 1) states: 'Law enforcement agencies should...establish a culture of transparency and accountability to build trust and legitimacy.' Policing in democratic societies relies on the concept of procedural justice (Reiner 2010, Gaines and Kappeler 2011). In essence, this states that citizens are more likely to trust police if they follow demonstrably fair and just procedures in the course of their work. This is more likely to occur if such procedures are transparent. A lack of transparency is likely to lead to a breakdown in trust and threaten the legitimacy of the police to do their job effectively with the support of the public. Zimring (2017: 19) believes that police killing citizens is the most important issue affecting police and community relations in the US today. With an average of three citizens per day dying after police contact, such deaths clearly damage the legitimacy of the police and criminal justice system.

## **2. The deceased was not engaged in a criminal act**

All participants stressed that their loved one was not involved in a criminal act when they died after being in contact with the police. Various, they felt their loved ones died as a result of coincidental contact with the police, for example because they were stopped erroneously; or because police had been called for welfare purposes (particularly in cases where mental health was an issue). Families consistently raised the issue of why police reacted in the way they did when the person in front of them was not engaged in a criminal act. A common view that families held was that police had a 'comply or die' mind-set which reflected an overly aggressive approach that emphasised the use of force rather than the provision of a public service. Examples of comments from families included:

*Case 20: 'He wasn't a criminal, he wasn't out on the streets....He was in his apartment.'* *Case 36: 'My son had no weapon, he had no weapon.'*

One of the most common findings in academic literature about policing is that they predominantly focus on order maintenance rather than crime control (Reiner 2010 Gaines and Kappeler 2011) It is order maintenance that leads police to stop citizens on foot or in cars. A significant number of people who die after police contact do so as a result of ‘routine stops’ that subsequently develop into lethal encounters (Lamont Hill 2016). A common strand in the academic literature on policing is that officers especially dislike being ‘disrespected’, and a key example of this is running from an officer, irrespective of whether a criminal act has been committed. It is notable that 11 of the deceased in the dataset for this research project were shot in the back. Numerous academic studies note that the most powerful predictor that determines whether police use force is resistance from the citizen (see, for example Kleining 2014 Phillips 2010 Terrill Leinfelt and Kwak 2008)

### 3. Lack of independent investigation

90% of participants felt aggrieved that the investigation into their loved one’s death was evidently lacking in independence. Police officers investigated the death of their loved one; sometimes from the same force, other times from other forces. A significant number of participants identified the District Attorney (DA) as being particularly partisan, noting that this was unsurprising due to the DA working closely with the police as part of their role, and thus being less inclined to prosecute or discipline police officers as a result. The lack of independence in the investigation meant that families felt it was not as legitimate, nor as accountable as it might be. They also felt that it made the whole process lack transparency (note finding 4), and that this affected the legitimacy and accountability of any justice produced. Examples of comments from families included:

*Case 11: ‘the DA reviews the police investigation that they did on themselves and he has a 100% record finding that whatever the cops found was justified.’*

*Case 17: ‘We had some recordings...and in the interview, it was almost like the guy that was interviewing [the officer] was leading him to the right answers.’*

Crank (2016: 286) notes that the police in the US have: ‘A historically abysmal record of accountability.’ This is partly due to the organisation of police departments throughout the land. The US has nearly 18,000 different police forces, and approximately 17,000 of them employ fewer than 100 officers (PTF 2015: 29). This means that there is both limited oversight due to the huge number of policing organisations that require it, but also limited sharing of best practice. The PTF (2015: 2) states that there should be: ‘External and independent investigations of officer-involved shootings and other use of force situations and in-custody deaths.’ The key word here is ‘should’, as there is little evidence of this either occurring, or of any significant desire to implement such a change. As Zimring (2017: 120) notes: ‘Quite often there is no careful or meaningful legal review after the killings occur.’ Moore’s (2015: xii) research into the Danziger bridge shootings in New Orleans concludes: ‘The NOPD did not find that

a single officer shooting so much as violated departmental policy in at least six years.’ The lack of independent investigation creates suspicion from the outset about procedural justice in these cases and consequently weakens the legitimacy of the police and criminal justice system in the US.

### 1. Lack of transparency in justice processes

Linked to the finding above, 85% of participants believed there was a lack of transparency in the justice processes in the aftermath of such a death. This did not just relate to the lack of an independent investigation, but also to autopsy procedures, death certification, police disciplinary procedures, and court processes. In this sense, accountability is closely tied to transparency: if families felt that there was more transparency in these processes, it is likely they would feel the justice produced was more accountable and legitimate. Examples of comments from families included:

*Case 4 ‘He [was] in the hospital under an assumed name’*

*Case 10 ‘We tried to get the dash cam video from the police and the answer we got was that out of all the cars...the one that shot my son it didn’t work, they couldn’t provide that because they didn’t have it.’*

Continuing the theme of how important procedural justice is to policing and criminal justice organisations, the PTF (2015: 13) asserts: ‘One way to promote neutrality is to ensure that agencies and their members do not release background information on involved parties.’ Hirschfield and Simon (2010) found that it was relatively common for police departments to give information to the media prior to notifying the family of the deceased about their death. This strengthens the view that police and justice organisations appear more concerned with how the narrative of the death is presented in the media than in undertaking a rigorous and thorough investigation, as might be the case in a homicide. On the issue of body and dashboard cameras, these were initially hailed as a panacea which might both restrain police brutality and also make them more accountable. One reasonably consistent finding in the academic literature on this issue is that first and foremost the cameras have to be switched on. Moore (2015: 190) notes that in New Orleans, the NOPD adopted body worn cameras from late 2013. When the Department of Justice reviewed their use, they found that 60% of the time either no video was recorded or preserved. At the time of writing, it remains to be seen how effective body cameras or dashboard cameras might be in reducing instances of death after police contact.

### 5. Shooting without reason

85% of participants whose loved one was shot dead by police believed the shooting was unnecessary. This closely relates to finding 2 in that families identified variously that the deceased was not armed, or considered to be behaving in a threatening way, nor were they engaged in a criminal act. Shooting without reason underlined what was perceived to be the changing role of the police as being more of



an aggressive force than an enabling public service (note also finding 10 and 14). Examples of comments from families included:

*Case 26: 'My son turned around and said "don't shoot" and they shot him.'*

*Case 32: 'My son said "mom, I'm shot, he shot me for no reason.'"*

An increasingly common finding in academic literature on policing in the US is that not all police forces have clear policies about how and under what circumstances force should be used (Terrill and Paoline 2012, Zimring 2017). There is consensus that forces with clearer policies generally have fewer shootings. In addition, the PTF (2015: 19) notes: 'Not only must there be policies for deadly and non-deadly uses of force but a clearly stated "sanctity of life" philosophy must also be in the forefront of every officer's mind.' For Zimring (2017: 169) the lack of police protocol and guidelines on force have led to 'ambiguity and permissiveness' in terms of how officers are (or are not) held accountable for its use. The lack of policies on the use of force can be seen to link to the lack of accurate data on its use. Not being able to clearly demonstrate what the problem is (due to lack of data) hampers any attempt to find even the most basic solutions to it. Similarly, a lack of reason when using force threatens trust and legitimacy in the police due them lacking procedurally just policies.

## 2. Media misrepresentation

80% of participants identified media misrepresentation in the way their loved one's death was reported. Typically, they felt that media repeated the official police narrative of the death without gathering other sources of evidence, either from witnesses at the scene, or from other family members. Relatives commonly believed that the character of their loved one was smeared by such representation. Usually, this led to the deceased being represented as having a criminal record; and/or of having mental health issues; and/or of being dependent on substances; and/or of behaving in a suspicious or threatening manner when interacting with police prior to their death. Participants felt that this put the fault of the death onto their loved one, by focusing on perceived flaws in their character or behaviour, rather than examining the actions of police in relation to the fatal incident. Examples of comments from families included:

*Case 7: 'The first thing they do they put up a mug shot up that had nothing to do with that incident.'*

*Case 13: 'The media always reports the first report that they get from the police.'*

Hirschfield and Simon (2010) found that media narratives about citizens who died after police contact were typically driven by police reports and lacked other evidential sources. Furthermore, they noted that such reports tended to focus on the deceased and their character rather than how they came to die. In particular, the deceased's pre-existing health conditions, or their criminal record were focused on (the former is also noted by Lamont Hill 2016). Another example of this is the focus on the actions

of the deceased, as distinct from the actions of the police. Commenting on the shooting of Walter Scott in South Carolina in 2014, Lamont Hill (2016: 52) notes that the received interpretation of the shooting became that if Mr Scott had stayed in his car (and not fled), he would have still been alive. The reality, says the author, is that if he had not been shot by the police officer, he would still be alive.

## 7. Justified shooting

80% of families whose loved one was shot dead by police stated that the shooting was officially pronounced 'justified'. For those families, 'justified' was seen to be a predetermined decision that resulted from a non-independent, unaccountable and opaque investigation into the death of their loved one. It was seen as a 'rubber stamp' decision that legitimated police officers' actions while delegitimizing their loved one. This finding related to finding 2 and 5 regarding the issue of how shootings could be seen to be justified when the deceased was typically neither armed, nor acting in a threatening way, or engaged in a criminal act. It should be noted that 20% of families stated the shooting was found to be unjustified, albeit that successful prosecution as a result was rare – in one case two police officers were sentenced to prison time. Examples of comments from families included:

*Case 31: 'The [police chief] said it was a good shoot, good shoot referred to it as a good shoot. Imagine someone saying it was a good shoot.'*

*Case 21: 'I want to see [police] move from a mind-set of finding fault to a mind-set of finding what truly happened and how do we prevent it from happening again.'*

In his seminal work on police culture, Crank (2016: 128) states that the influence of guns on police training and culture 'cannot be overstated.' He goes on to note that guns effectively become an extension of officers, and that this has become intensified by training that emphasises shooting to kill: 'Grazing shots are bad shots. Guns are evaluated for their stopping power and cops for the accuracy of their aim' (Crank 2016: 130). An increased emphasis in training on officer safety means that officers are more confident of firing their weapons, safe in the knowledge that such a shooting will most likely be deemed 'justified.' Consequently, Balko (2014: 275) notes: 'These policies have given us an increasingly armed, increasingly isolated, increasingly paranoid, increasingly aggressive police force in America.' Once again, this clearly highlights the lack of procedural justice, not only in police actions, but also in criminal justice organisations responses to such shootings.

## 8. Trauma and trust

75% of participants talked about the trauma and grief they felt in the aftermath of the death, and how this affected their trust in individuals and organisations as a result. Trauma and grief as a result of the

unexpected death of a loved one is unsurprising, but typically participants talked about more far-reaching effects. Notably, the lack of trust they felt not just in the police and criminal justice system, but in any form of official organisation, and in many cases to community groups, work colleagues, neighbours and people they had previously considered friends.

This finding appears to relate to the 'just world' hypothesis. Simply stated, individuals invest belief in a societal system that rewards those who do good, and punishes those who do bad. Therefore, it follows that such a world is fair and just. In the aftermath of a death after police contact, this belief can be shattered, and thus certainties which were previously held are challenged, affecting one's capacity to trust in the social world. Examples of comments from families included:

*Case 9: 'Obviously, I don't trust the police anymore, I try to stay as far away from them as possible.'*

*Case 18: 'Normally, when your loved one is killed you have the police helping you solve it, we had the police working against us because it was the police that did this.'*

Whilst there is no literature available on the just world hypothesis in relation to policing, it is clear that the hypothesis could apply. The literature that is available typically focuses on the death of a loved one in tragic or inexplicable circumstances, for example in an accident or during a medical procedure. Those close to the deceased go through processes of disbelief, anger and frustration at the unjustness of the world. If the death can be attributed to a supreme being, or to nature, such a death may be easier to accept (Stroebe *et al.* 2015). However, the deaths in this project are the result of police action, and challenge families' perceptions of the stated intentions of criminal justice agencies to 'protect and serve'. Responses from participants variously fitted into Corey, Troisi and Nicksa's (2015) typology of either 'reinterpreting justice' – i.e; using the official version of events provided by the criminal justice system and reinterpreting it to make sense of it on a personal level; or of 'ultimate justice' – a belief that eventually a higher form of justice will prevail. One final comment relates to 'atonement', in the sense that one quarter of families noted they had either started an organisation or fund to remember their loved one and fight for future victims of injustice. In this sense, the just world hypothesis states that in the aftermath of being affected by a major injustice, people might want to balance the scales of justice by using their own initiative in an attempt to right future wrongs (Bastounis and Minibas-Poussard 2012).

### 1. Education and training: the need for improved standards

75% of participants believed that police needed to be better trained, and be required to pass a higher level of educational qualification than at present. A significant number of families had undertaken research into police training and were well-informed about how officers are recruited and trained. Common remarks mentioned the disproportionate amount of time spent training police officers to use

their weapons compared to de-escalating situations (see finding 10); similarly, the link to the military was often mentioned as families questioned the number of ex military personnel employed by police in terms of those officers' commitment to a service model of policing as distinct from a use of force model. Examples of comments from families included:

*Case 23: 'If they are only trained 6 months does that really give them the right to give or take life? I think more time training and more time in school and a complete understanding of psychology and social work skills need to be given to these officers.'*

*Case 25 'They absolutely need more training, because they are scared ! mean if you are scared, why are you a police officer?'*

The PTF (2015: 56) clearly states that officer basic training should incorporate social interaction skills to ensure that officers are able to gain compliance in interactions with citizens without recourse to the use of force. One aspect of current training noted by many of the research participants was the '21 foot rule'. This effectively states that if officers feel threatened by a citizen, they are fully justified in shooting if the citizen comes within 21 feet of them. Zimring (2017) notes that this aspect of training has become common place despite any evaluation of it or any evidence being produced to prove that it works. For him, the 21 foot rule: 'Indicates the inherent anarchy and lack of accountability we find in the animating principles of police use of deadly force' (Zimring 2017: 100).

#### 10. Lack of police de-escalation

70% of participants identified the tendency of police not to de-escalate situations, but to approach situations from the outset with a mind-set that meant the use of force was likely, if not inevitable. A typical comment was that police arrived at the fatal incident with their guns already drawn, or that police arrived in significant numbers apparently expecting to deal with a violent incident. Families felt that this was a result of police being an increasingly paramilitary force (note finding 14) that identified members of the public as being dangerous and threatening, rather than being citizens to be protected. Examples of comments from families included:

*Case 19: 'They need to solve escalation, if they had just listened and paid attention.'*

*Case 22: 'When you are unarmed, ! don't care about black, brown, white...you don't have to shoot them to kill, that is unacceptable, it's unethical.'*

Whilst the academic literature on policing notes that it universally requires human service skills, including negotiating and empathy, it also notes that police in the US are more likely to use force than previously. The focus on de-escalating situations has shifted to controlling/dominating situations, to a

point where officers are trained to actively not back down from confrontations (PTF 2015: 21). Clearly guns enable officers to avoid de-escalation, control situations, and focus on their own safety as a priority. Balko (2014: 326) quotes a former MD police officer stating: 'Your first priority is not to protect yourself, it's to protect those you've sworn to protect.' Earlier sections of this report noted that many deaths occurred in 'routine' situations and that the deceased was not engaged in a criminal act. Therefore, adopting de-escalation tactics might significantly reduce the number of citizens who die after police contact in the US.

### 3. Racism

60% of participants identified racism as being an issue relevant to death after police contact. It should be noted that this was not only confined to participants who were people of colour. A very wide spectrum of academic literature in the US identifies non-white citizens as being perceived by police as stereotypically more likely to be criminogenic, and/or a threat to societal order (Kahn *et al.* 2017, Hall, Hall and Perry 2016, Holmes and Smith 2012, Johnson and Kuhns 2009, Nelson 2000). In 2015, The Counted calculated that black citizens died at a rate double that of white citizens. When specific groups in society are stereotyped by police as being more dangerous, or threatening than other groups, clearly they will receive a disproportionate level of police focus.

*Case 15: 'It seems like the mentality in the police department all across the board is you kill a black man, you get a raise. You get a promotion. That's what's being sent out there. You give them a couple of grand, shut them up, the case will go away.'*

*Case 31: 'The role of the police is not to protect and serve the people, it's to protect and serve the system and in that system the poverty and degradation that the system brings on people of colour.'*

A common view among participants was that police violence was not just a result of interactions between individuals, but the result of a system of oppression that encouraged racist practices. Participants made references to practices that existed during plantation slavery that could be traced directly to policing in the present day, with one noting that some communities suffered from 'Post-Traumatic Slave Disorder.' In Michelle Alexander's (2012) award winning book *The New Jim Crow: Mass Incarceration in the Age of Colourblindness* she states that oppressive systems of policing driven by the 'war on drugs' create a dragnet that target people of colour and make it disproportionately more likely that they will be arrested, charged, prosecuted, and sent to prison as a result. Balko (2014) notes that such oppressive systems of policing are increasingly aggressive and thus more likely to lead to a 'shoot first, ask questions later' approach. A wide canon of literature states that citizens of colour are more likely to have force used on them by police than white citizens (Hall, Hall and Perry 2016, Carter and Corra 2016, Holmes and Smith 2012, Johnson and Kuhns 2009, Nelson 2000). This state of affairs has undoubtedly led to a crisis of legitimacy for police and criminal justice organisations, where trust

has broken down in certain communities throughout the US and is unlikely to be repaired in the near future.

## 12. The body of the deceased

50% of participants observed that they were not permitted to see their loved one's body for several days after the death, often being informed that the body was 'evidence'. Many relatives expressed their upset at being unable to say goodbye to their loved one, and felt that some degree of closure had been denied them as a result. In one case the heart of the deceased was removed post-mortem and not subsequently recovered, in another case the victim was buried without his head, also subsequently unrecovered. Examples of comments from families included:

*Case 3: 'We wanted a death certificate, we wanted a cause of death, they weren't telling us anything.'*

*Case 24: 'They didn't classify him as my son at that point, they were classifying him as a crime scene, they wouldn't let me see him.'*

I have not been able to locate literature on this issue in the US. However, there is limited literature available on this issue in the UK, principally in relation to Coroners' practices. Shaw and Coles (2007) note that during the 1980s and 1990s the practices outlined above were also relatively common in the UK. In the 21<sup>st</sup> century this began to change as Coroners noted the fundamental importance of families having access to their loved one. In a later paper, Coles and Shaw (2012) observed that it was now more common for families to see their loved one relatively quickly after their death, and also to be allowed time with them. In the last full review into Coroners' practice in the UK, Luce (2003) observed that Coroners increasingly focused on the needs and sensitivities of families when approaching death investigations, partly due to legal requirements imposed by the European Convention on Human Rights. It appears that such a shift is unlikely to be forthcoming in the US in the immediate future.

## 2. Officer collusion

40% of participants talked about the way in which they felt officers colluded in the aftermath of a death in order to present a united front reinforcing a version of events that painted them as being justified in their actions. In some cases, this related to officers at the scene agreeing a narrative, in others it included the investigating officers, and/or union representatives. Typical comments from family members referred to the 'blue code', or a 'code of silence'. They felt an officer's primary duty was to cover for their colleagues, regardless of whether their actions had been justifiable, or legal. Another strand in this finding was that several participants felt there was a tendency of other officers at the scene to open fire once the first officer had fired their weapon, in order to reinforce the notion that the shooting was justified and thus legitimate. Examples of comments from families included:

*Case 29: 'There are a lot of good cops out there, but in the [deceased's] case there was a lot of covering up, and a lot of trying to hold things back.'*

*Case 37: 'They had to get all their ducks in a row, they had to make sure they had their narrative...they had to make sure everyone got their story straight.'*

The 'blue code of silence' is widely remarked upon in academic literature on policing in the US (Crank 2016, Phillips 2010). Rothwell and Baldwin (2007: 606) note that the code of silence is used by police officers to protect each other, but that it often harms third parties, and: 'the overall integrity of the justice system.' This relates back to the fundamental importance of procedural justice in maintaining a legitimate and accountable police force which has the trust of the community. Police culture is noted as being remarkably resistant to change, and this is by no means limited to the US. When police culture has a clearly defined 'us and them' streak, it can become particularly troublesome if they are able to use firearms with relative impunity. In the absence of police self-regulation, society relies upon external organisations to regulate police activity. But these organisations also rely on police officers to 'play ball' and give honest factual accounts of how citizens died. Because of the strong bond of loyalty that pervades policing, it is unusual for such an account to be forthcoming (Crank 2016).

#### 14. Paramilitarisation of police

40% of participants highlighted what they saw as an increasing level of paramilitarisation of police in the US. This was evident in comments made about the increasing number of weapons, armour and technology used by police that are military in origin. In addition, the increasing likelihood that police were more likely to use force as a first, rather than a last option when approaching a situation (note finding 5 and 10). A minor strand in this finding identified officers using their private weapons (whilst on duty) resulting in the deaths of family members, including one shooting that used a hunting rifle and ammunition imported from Europe. Examples of comments from families included:

*Case 5 'This [police officer] seems to be just someone who likes to shoot his gun. He's an avid hunter, he's a gun nut.'*

*Case 2: '[the police] appear to be trained to be incredibly fearful...it's a kind of us or them.'*

The PTF (2015: 1) is emphatic in stating that: 'Law enforcement culture should embrace a guardian – rather than a warrior – mind-set to build trust and legitimacy.' A number of academic authors have noted an increasingly paramilitary approach to policing in the US in the 21<sup>st</sup> century (Alexander 2012, Balko 2014, Lamont Hill 2016). Crank (2016: 113) notes that the military tone in policing is warmly received by many officers, not least because of the large number of ex-forces personnel within police forces. A key difference between the military and police is that the former relies on coercion to gain

compliance, whilst the latter notionally relies on the consent of the population due to the legitimacy of the police invoked by trust in their powers. The Centre for Constitutional Rights (2012: 3) stated that: 'Entire New York City neighbourhoods exist under conditions that residents compare to a military occupation.' Clearly, this does not foster a sense of trust in policing styles, or confer a sense of legitimacy on policing, thus affecting the legitimacy of the wider criminal justice system.

#### 15. Mental health

40% of participants stated that their loved one had some type of mental health issue (either underlying, or overtly manifest) when they were killed by police. Many of these participants believed that their relative had died as a result of police misreading the situation, and/or failing to risk assess the situation (note finding 10). Related to this, a common comment was the perceived failure of police to communicate with the victim's family, or refer to previous police records on the individual, both of which could have better oriented officers to deal with the person they were confronted with. A number of families referred positively to previous (non-fatal) police responses to their loved one's mental health condition, noting that many officers were trained and capable of carrying out welfare visits (sometimes called 'wellness checks') on their relative. Crisis Intervention Teams (CITs) received favourable comments, sometimes tempered with the observation that they were not always called, or that they were not available 24/7, thus resulting in less trained/aware officers being dispatched on wellness checks. Examples of comments from families included:

*Case 28: 'They saw my mom first, and the [the cops] admit that instead of assessing her condition they went immediately you know to find the perpetrator.'*

*Case 33: 'We need police to...learn how to work with mental health. Mental health is people need help and not shoot, and they need to have special training and not be trained for 2 weeks.'*

The PTF (2015: 56) states that all officers should undergo CIT training, and also refresher training. Rossler and Terrill (2017) note the important of CIT trained police in terms of awareness of citizens with mental health issues, and officers being able to de-escalate situations rather than resorting to the use of force. A range of literature notes that police officers lack training on individuals who have mental health issues, and that one result of this is that officers are more likely to use force as they misread the situation unfolding in front of them (Rossler and Terrill 2017, Morabito *et al.* 2012, Morabito 2007, Ruiz and Miller 2004). This finding also relates to finding 10 regarding de-escalation. If officers were better able to assess incidents that are more accurately defined as healthcare crises rather than criminal justice incidents, it seems possible they might be less likely to use force.

#### 4. Lack of first aid/medical knowledge



40% of participants believed that officers at the scene where their loved one died either did not know, or did not practice first aid which could have enabled life to be preserved. This finding appeared to split into two strands: 1) That officers were part of a service and this should be reflected in their knowledge of life preservation; 2) A belief that officers deliberately did not carry out first aid due to either apathy or contempt for the person who died. Examples of comments from families included:

*Case 15 'Why would you call your union rep? First of all, call an ambulance.'*

*Case 27: 'When the ambulance arrived, no one was working on [the deceased]...he had no heart beat and was not breathing, no one was working on him.'*

I am surprised to note that there appears to be a lack of literature on policing in relation to first aid in the US. This might reflect the low level of priority placed on this issue by policing agencies. If police are to shift from a 'warrior mind-set' to a 'guardian mind-set' then it would seem logical to imagine them focusing on life preservation (as distinct from criminal justice enforcement), and that this would include first aid training. In the UK, it is mandatory for police officers to be trained in first aid, and to receive refresher training throughout their career. The primary goal of a police officer in the UK is to preserve life (ACPO 2006).

## 17. Settlements

40% of participants identified financial settlements as being relevant to their case. Settlements can be used in civil cases brought against governmental authorities due to allegations of police misconduct. It is rare that officers are subject to a criminal court trial in the US when a citizen dies after police contact. It is even more rare for such a trial to result in a successful prosecution. This has led attorneys to focus principally on bringing civil suits, in an attempt to secure some form of redress for their clients. Settlements are typically offered by governmental authorities before a case reaches trial. Participants generally believed that this was a way of avoiding shaming evidence coming to light in open court. This was supported by the fact that most settlements (there were two exceptions) required participants to sign a non-disclosure agreement, meaning that accepting the financial settlement also required maintaining a vow of silence about the details of their case.

*Case 6: 'They think that if they give you money then it is ok they are going to get you to shut up, it is not ok. A life is priceless you can never put a dollar amount on a life that.'*

*Case 22: 'We were trying to seek justice, my attorney did start talking about dollar signs. My husband said we were not interested in dollar signs, we were interested in finding out why this police officer shot and killed and murdered our son.'*

Literature on settlements in relation to police activity is very limited, perhaps due to the widespread use of non-disclosure agreements in such settlements. Chaney and Robertson (2013: 498) note that according to available official statistics a total of \$347 million was paid out in the form of settlements or judgements in respect of 382 police killings in the period 2009-2010. Lamont Hill (2016: 39) states that New York has an annual budget of \$700 million to pay out against personal injury claims. According to a report in the Baltimore Sun in 2014, in the previous four years more than 100 citizens won financial awards for police brutality or malfeasance. This leads Lamont Hill (2016: 83) to assert that: 'Like the arrangements struck by prosecutors with criminal defendants on plea bargains, police brutality is a business negotiation resolved through deal making.' Such practices serve to undermine the sense of procedural justice in the US legal system, and to negatively affect the legitimacy of both the police and criminal justice system.

### 3. Handcuffing the deceased

25% of participants noted that their loved one was handcuffed after they died. The finding is included because although the percentage of participants reporting it is relatively low, the finding in and of itself is startling. Families felt this practice was inhuman and thus dehumanised the victim, and also that it demonstrated a lack of respect to the families of the deceased. It is not at all clear if this practice is official police policy, or if it is, why it might be so. Examples of comments from families included:

*Case 1: 'they handcuffed him and they all surrounded him, throwing him round like a rag doll.'*

*Case 12: 'he was handcuffed to the [hospital] gurney, he was a dead man...but you got him handcuffed.'*

It has not been possible to identify academic or official literature on this issue in the US. That suggests this finding represents an original contribution to the knowledge around the subject of death after police contact in the US.

### Concluding thoughts

Death after police contact in the US is not just a story of individual deaths, nor of individual interactions between police and citizens. This report has identified a significant number of findings that indicate problems exist at a national level with regard to how the police are organised, trained, and managed in their everyday activities. This extends to serious flaws in how police are regulated in the wider justice system in the US when things go wrong during encounters with citizens. The lack of meaningful investigation into such killings, and the lack of sanction as a result of the investigations that occur mean that the wider system of justice in the US suffers in terms of its legitimacy. When the police lose legitimacy in the eyes of the citizenry, everyone loses, because policing democratic societies relies upon legitimacy being conferred by the populace. When the system of justice also

lacks legitimacy, democratic governance itself comes into question. As both police and criminal justice organisations are publicly funded, they should be accountable to the public, but a lack of legitimacy means such accountability is not seen to be forthcoming in the majority of cases. When three citizens per day die after police contact in the US, it is difficult, albeit unfortunate, not to conclude that the police killing of citizens has become normalised. Were it not normal, the public outcry might be even louder, more prolonged, and more vociferous than it currently is. Were it not normal, there might be concerted efforts by criminal justice professionals and politicians to urgently address the issue with a view to finding processes and policies that would cut the number of deaths. As stated early on in this report, the federal government had to rely on numbers provided by a foreign media group to even sketch the numbers of dead, let alone do anything about these deaths.

The effects of these deaths goes far beyond the pain and trauma felt by the participants in this research project. It seeps into future generations, and into wider families and communities in the here and now. It is shared on social media across the nation, and beyond. Were three people per day to die of an infectious disease, it seems likely that the full power of federal and state governance would be mobilised to urgently prevent a national public health catastrophe. But that is exactly what is happening in the US today – a humanitarian disaster of preventable deaths across the country that is apparently unstoppable, and until recently apparently uncountable.

The PTF (2015) and the Department of Justice believe that policing in the US should be more legitimate, more consensual and thus more accountable. It is unclear how these goals should be achieved in practice with 18,000 police agencies in the US. It seems clear that altering police training, making changes to police culture, and adopting clear policies around de-escalation and the use of force could reduce the number of citizens who die every year after police contact. Whilst moving from a 'warrior mind-set' to a 'guardian mind-set' is undoubtedly a laudable aim, actually achieving it is by no means straightforward.

If you have any questions, or comments regarding the content of this report, I would be very pleased to hear from you.

Dr David Baker

Senior Lecturer in Criminology

Coventry University

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# Clackamas County: Christopher Kalonji family should pay for damage in deadly police shooting

Raymond Rendleman June 28 2016

Clackamas County is refusing to pay the parents of a 19-year-old who was killed by police for the damages to their apartment by bloodstains and a tear-gas bomb launched by SWAT members.



After living at the apartment in Oak Grove for more than 15 years, Irene and Antonie Kalonji didn't renew their renter's insurance at Holly Acres Apartments. The property management company, C&R Properties, sent its \$15,000 insurance deductible for fixing the apartment as a bill to the Kalonjis. The bill was sent to a collection agency after the Kalonjis, who were rendered homeless by the incident, didn't pay.

A Clackamas County grand jury concluded in March that county deputies were justified in using deadly defensive force in the Jan. 28 shooting death of Christopher Kalonji. Called as witnesses were county mental health staff who assisted in efforts to de-escalate the situation after they were called to the scene by law enforcement. Additionally, neighbors were called to testify regarding Kalonji's possession of a rifle. His parents reportedly did not testify because they believed that the outcome of the hearing was predetermined.

The Kalonjis have tried to get Clackamas County to pay the insurance deductible. Farrell & Associates administers tort claims for Clackamas County, which is self-insured.

"The county offers sincere sympathies for your loss," wrote Michael Farrell, president of

Farrell & Associates in a March 11 letter to the Kalonjis. "Our investigation into this matter reveals that the actions of the Clackamas County Sheriff's Office were reasonable, justified and appropriate. The sheriff's office was forced to take action in response to the actions and statements made at the scene. The property damage sustained was an unfortunate consequence of this tragic situation."

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"As such, since Clackamas County was not in any way negligent in this matter, I must advise that we will be unable to make any payment on behalf of the county. I regret that I am unable to advise you more favorably, but trust you understand our obligation to the taxpayers of Clackamas County in carefully managing the funds entrusted to us."

The family is seeking an attorney to appeal the decision.

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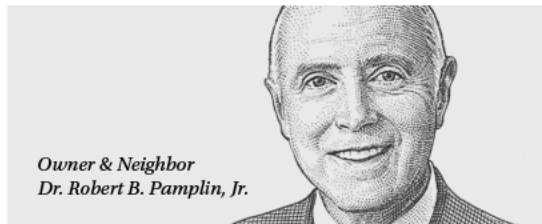
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**From:** [Kenneth Ruby](#)  
**Mail received time:** Wed, 14 Sep 2022 09:01:22  
**Sent:** Wed, 14 Sep 2022 12:01:12  
**To:** [ORLawEnf Commission](#)  
**Subject:** HB 2930  
**Importance:** Normal  
**Sensitivity:** None  
**Archived:** Wednesday, September 14, 2022 8:14:04 AM

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\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\*

To the Oregon State Legislature's Commission on Statewide Law Enforcement Standards of Conduct and Discipline:

Please vote NO on the proposed rules for implementing HB2930.

These rules would have police overseeing police. This is a recipe for more abuse by the police.

Thank you for your consideration.

Kenneth Ruby

**Archived:** Wednesday, September 14, 2022 10:18:51 AM

**From:** [David Small](#)

**Mail received time:** Wed, 14 Sep 2022 17:06:40

**Sent:** Wed, 14 Sep 2022 10:06:25

**To:** [ORLawEnf Commmission](#)

**Subject:** Police misconduct without clear and significant consequences breeds mistrust

**Importance:** Normal

**Sensitivity:** None

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The proposed standards for police conduct is not acceptable, and I say NO the the bill.

David Small **Redacted**

**Archived:** Wednesday, September 14, 2022 2:02:17 PM

**From:** [merbaugh@comcast.net](mailto:merbaugh@comcast.net)

**Mail received time:** Wed, 14 Sep 2022 19:19:17

**Sent:** Wed, 14 Sep 2022 12:19:06

**To:** [ORLawEnf Commmission](#)

**Cc:** [merbaugh@comcast.net](mailto:merbaugh@comcast.net) [rkrausa@comcast.net](mailto:rkrausa@comcast.net)

**Subject:** Paying for police misconduct

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Portland taxpayers paid \$1.2 million after police shot an unarmed young suicidal Black man in the back. Aaron Campbell's family still grieves. Today's *Oregonian* says Portlanders must pay \$85,000 over another bad cop – who is now Boise's police chief. Another bad cop became a trainer at Oregon's police academy. As an Aclu legal observer, I watched Portland police break the nose of a peaceful, elderly, woman protestor. I was right down the sidewalk from Peg Zebroski. I jumped into the bushes to escape. Oregon must stop 'passing the trash' between cities. Coaches and teachers who sexually assault kids have records that follow them. What would have happened if I had assaulted a student when I was a professor at U Oregon and PSU? No grand jury would have shielded me as 'not CRIMINALLY liable', the routine decision for police. Cops must be accountable. Civilian Review Boards are toothless. The legislature needs to create and enforce police accountability, to protect decent cops --- and all of us who pay.

Mary Erbaugh  
NW Portland

**Archived:** Wednesday, September 14, 2022 4:42:41 PM

**From:** [Kristen Sartor](#)

**Sent:** Wed, 14 Sep 2022 23:34:53

**To:** [ORLawEnf Commission](#)

**Subject:** Comments on Statewide Law Enforcement Standards of Conduct and Discipline

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Hello Committee Members,

I am writing to express concern regarding the proposed rules. Oregonians voted to implement actual accountability for police officers. These proposed rules are inadequate. I am writing to ask you to develop standards that create a culture of accountability within police systems.

When an officer is caught engaging in sexual assault, there should be severe consequences for this, not merely a write-up and the officer continuing to terrorize people in the community. This is unacceptable behavior for those "serving and protecting us". Sexual assault is a huge problem among people in power, including police officers. I suggest that you add more women to your committee that can add perspective around this issue.

Officers should not be able to be engaged in hate groups. There is a long history of officers in Oregon being connected to the KKK. New hate groups with less recognizable names are also unacceptable. Allying with extremists motivated by hatred puts people of color and other vulnerable populations even more at risk to be murdered with impunity by police. Hate groups should be off limits for police officers.

Excessive and deadly force needs to have more severe consequences. This committee is stacked with current and former police officers and others who have interest in upholding the status quo: Police officers getting away with murder. Police unions have upheld this status quo long enough. Bring in community members that have experience with loved ones being killed by the police. Bring in advocates for community safety. Bring in people from organizations like the ACLU, Black Lives Matter, The Movement for Black Lives, ect. They should be at the table as well.

Thank you for your time. Please consider adopting actual standards of accountability and discipline for police officers.

Thank you,  
Kristen Sartor  
97217

**Archived:** Thursday, September 15, 2022 8:24:26 AM

**From:** [Lars](#)

**Mail received time:** Thu, 15 Sep 2022 02:19:26

**Sent:** Wed, 14 Sep 2022 19:19:09

**To:** [ORLawEnf Commmission](#)

**Subject:** Opposing HB 2930

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

I am writing to voice my opposition to HB2930. I believe the bill is too weak to hold corrupt and violent police officers to account, and that there needs to be more formal repercussions for police officers who are a part of hate groups, domestic terrorist organizations, and who exhibit violent or discriminatory behavior. The measure needs to be sent back to the drawing board and rewritten so that officers are accountable to the public, not the same police unions and boards that have let the police in this country do anything and get away with it under the blue code of silence.

Thank you for your time,

Lars Romsos



**Archived:** Thursday, September 15, 2022 8:26:56 AM

**From:** [Laura Ray](#)

**Mail received time:** Thu, 15 Sep 2022 03:33:58

**Sent:** Wed, 14 Sep 2022 20:34:18

**To:** [ORLawEnf Commission](#)

**Subject:** Proposed conduct & discipline standards are severely lacking

**Importance:** Normal

**Sensitivity:** None

---

**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Dear Commission,

I am writing to express my dismay and disappointment after reading the Commission's proposed conduct and discipline standard rules for law enforcement agencies in Oregon. As a concerned member of the public and voter, I seek a community where everyone can feel safe and supported. The proposed rules do not hold law enforcement agencies or officers accountable for upholding dignity, safety, fairness and respect for all Oregonians. Here are the major concerns I have with the proposed rules:

1. The proposed rules do not consider penalties for officers who join a hate group. Given that law enforcement officers make up a significant number of hate group members nationwide, and that Oregon has such a sordid history of white supremacy, this is a very important omission that I am not okay with.
2. The consequences for officers who perpetrate sexual assault or sexual harassment are not nearly strong enough. This is very problematic given the high rate of sexual assault and harassment perpetrated by law enforcement officers, who are sworn to protect rather than harm community members. How are the mitigating and aggravating factors for these incidents determined??
3. Lastly, overall I am very disappointed that the Commission on Statewide Law Enforcement Standards of Conduct and Discipline has such a majority of members who have experience and history with law enforcement agencies, and who are thus biased toward supporting the police. I do not agree with the statement on the Commission website that this body includes "representatives with diverse experiences and areas of expertise." If the Commission were to truly establish standards of conduct and discipline for law enforcement, then there would be a much more impartial and diverse group of people- including more perspectives from outside law enforcement agencies and affiliations.

I urge you to not approve of the proposed rules, as they currently stand. Please put in the effort to involve the whole community in creating new standards, in order to truly hold law enforcement officials accountable for their actions.

Thank you,  
Laura Ray

Laura Ray  
**Redacted**  
[laurasophiaray@gmail.com](mailto:laurasophiaray@gmail.com)

**Archived:** Thursday, September 15, 2022 8:29:08 AM

**From:** [Stacey Janssen](#)

**Mail received time:** Thu, 15 Sep 2022 03:38:37

**Sent:** Wed, 14 Sep 2022 20:38:20

**To:** [ORLawEnf Commission](#)

**Subject:** vote No on Commission on Statewide Law Enforcement Standards of Conduct and Discipline

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Please vote **No** on **Commission on Statewide Law Enforcement Standards of Conduct and Discipline**. The standards are completely inadequate.

The standards outlined by the Commission leave out essential regulations, including repercussions for officers who join hate groups. As is, these standards would permit officers connected to white supremacist organizations to continue working without consequence. Similarly, if an officer commits a sexual assault, the penalty can be as minimal as a written reprimand.

This is not an acceptable or sound policy.

Sincerely,  
S Janssen

**From:** [glasslab@fastmail.fm](mailto:glasslab@fastmail.fm)

**Mail received time:** Thu, 15 Sep 2022 05:12:29

**Sent:** Wed, 14 Sep 2022 22:12:02

**To:** [ORLawEnf Commission](#)

**Subject:** Please vote NO on proposed statewide rules for police officer conduct and discipline.

**Importance:** Normal

**Sensitivity:** None

**Archived:** Thursday, September 15, 2022 8:31:24 AM

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\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\*

Hello,

I am writing about the draft statewide rules for police officer conduct and discipline recently proposed by the Commission on Statewide Law Enforcement Standards of Conduct and Discipline. For me the proposed rules do not sufficiently address three areas:

- (1) the proposed rules should include provisions to ensure that complaints against the police are available for public review;
- (2) except for racial profiling, there are no provisions for disciplining officers who have demonstrated racist or other discriminatory behavior;
- (3) penalties proposed for systematic civil rights violations and other discriminatory misconduct by a law enforcement officer are unreasonably weak.

I urge you to vote NO on the proposed statewide rules and to produce a new stronger report (write rules with teeth).

Thank you.

William Glassmire

Redacted

**Archived:** Thursday, September 15, 2022 8:47:31 AM

**From:** [Lynda Martin-McCormick](#)

**Mail received time:** Thu, 15 Sep 2022 15:38:03

**Sent:** Thu, 15 Sep 2022 08:37:46

**To:** [ORLawEnf Commission](#)

**Subject:** Proposed rules on conduct and discipline; makeup of Commission

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

To the members and staff of the Commission on Law Enforcement Standards Conduct and Discipline:

Thank you for taking these comments into consideration.

The Oregon state legislature deserves our gratitude and praise for establishing the Commission on Law Enforcement Standards of Conduct and Discipline. The legislature responded to Oregon's weak police accountability mechanisms, among the worst in the nation. However the Commission is off to a rocky start.

According to the ACLU, seven of the 13 voting members are police professionals or in police-adjacent professions. Two are police chiefs, one a sheriff, three are lawyers who represent police unions or police, and one is the executive director of the Oregon prosecutor's association. The Commission should have voting representatives — plural — of families injured by police violence and experts on the endemic problem of police committing crimes and police forces shielding them.

Any inclination to give this Commission the benefit of doubt was erased when the Commission proposed a set of weak rules. The proposal is a collection of vaguely defined mitigating circumstances; options for retention on the force (or maybe even a pass) for officers who commit racism or discriminatory acts; and silence on the question of membership in extremist groups.

**Some mitigating circumstances are loopholes:**

Under the proposed rules, the Commission can issue nothing more than a written reprimand if it finds any of these — or other — mitigating circumstances:

- “(n) Extraordinary circumstances or hardships that may be relevant.
- (o) The lack of training or experience that is germane to the incident.
- (p) Other relevant factors are present that justify imposing a mitigated sanction.”

These three especially are so ill-defined that it's hard to imagine how they could provide guidance for anything but an exit ramp from disciplining a police officer.

**Police committing racist, discriminatory crimes can stay on the force:**

Another loophole is in the section on “Crimes 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 (OAR 265-010-0020). The least disciplinary action is demotion. However, here's the loophole:

- (2) It is not misconduct under this rule if the law enforcement officer is acting on a suspect description or information related to an identified or suspected violation of a provision of law.

Why would it be all right to commit a racist or otherwise discriminatory action when acting on a tip? At this point the proposed rules start to sound like a rewrite of qualified immunity and not a strategy for using accountability to reform our police departments.

**Police can belong to racist, anti-gay, anti-government groups:**

Last but not least, the rules have no disciplinary actions for joining groups that espouse white supremacy, attacks on individuals from marginalized groups, violent overthrow of the government or attacks on government officials. Membership in groups like these should result in termination, with no mitigating circumstances and no lighter disciplinary options.

Honestly, the Commission membership needs to be re-structured. If the Commission cannot legally be reconstituted, the current Commission needs to show good faith by rewriting these rules. Oregon received a D+ from the Institute for Justice for its accountability rules. Unfortunately, these proposed rules are in the same vein that led to this low rating. Please, strengthen them so that the Commission can do the work it was intended to do.

With sincere wishes that your work make a difference,

Lynda Martin-McCormick  
Member, Policy Action Network  
Oregon Justice Resource Center

**Archived:** Thursday, September 15, 2022 2:10:25 PM

**From:** [Ash Trull](#)

**Mail received time:** Thu, 15 Sep 2022 18:19:39

**Sent:** Thu, 15 Sep 2022 14:19:23

**To:** [ORLawEnf Commission](#)

**Subject:** An important matter

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Good  
afternoon Co-Chairs Henson and Slauson, Director Boss, and Members of the Commission,

My  
name is Ash Trull, and I am the National Membership Organizer with Showing Up for Racial Justice in solidarity with ACLU Oregon to implore you to reject the standards for police accountability up for adoption on September 21, 2022.

The  
proposed law enforcement standards on conduct and discipline fall far short of addressing the harms of policing cast into sharp relief by the murders of George Floyd, Breonna Taylor, and many others. Stronger accountability measures are necessary to address  
the serious harm caused by police officers impervious to consequences. The rules proposed would allow as little as a written reprimand for sexual assault and lethal excessive force, and NO consequences for membership in a hate organization, such as the Oath  
Keepers. The rules allow such a large list of "mitigating factors" that all of the standards become unenforceable. When the nation took to the streets in 2020 demanding justice, we were seeking actual accountability in our criminal legal system, and an end  
to police violence, but have seen only increased investments in policing and now these inadequate accountability standards that police unions will easily get around.

Instead  
of these meek measures, police officers who commit serious crimes or do serious harm to community members should be fired and lose their pensions. Police agencies should be prohibited from hiring anyone with a membership in an organization committed to undermining  
our democracy or seeking white supremacy, and current employees must disavow any previous memberships, at minimum, or lose their jobs.

**I urge you to vote "No",**  
appoint new members who are willing to impose more serious  
standards that would address these most serious harms from police, and return to the drawing board to complete your task taking into account this feedback.

Ash Trull



## Ash Trull

National Membership Organizer

Pronouns: they/them/theirs

[ash@surjaction.org](mailto:ash@surjaction.org) | [SURJ.org](https://surj.org)

Located on the ancestral lands of the Narragansett, Nipmuc, Pokanoket, and Wampanoag people, in what is colonially known as Scituate, RI

[Click here](#) to find out more about where you live

**Archived:** Thursday, September 15, 2022 2:13:46 PM

**From:** [Mary Hungerford](#)

**Mail received time:** Thu, 15 Sep 2022 19:22:44

**Sent:** Thu, 15 Sep 2022 14:22:30

**To:** [ORLawEnf Commission](#)

**Subject:** Please vote NO on the standards for police accountability

**Importance:** Normal

**Sensitivity:** None

---

**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Dear  
Co-Chairs Henson and Slauson, Director Boss, and Members of the Commission,

My  
name is Mary and I am volunteering with Showing Up for Racial Justice in solidarity with ACLU Oregon to implore you to reject the standards for police accountability up for adoption on September 21, 2022.

The  
proposed law enforcement standards on conduct and discipline do not adequately address the harms of policing cast into sharp relief by the murders of George Floyd, Breonna Taylor, and many others. Stronger accountability measures are essential to address  
the serious harm caused by police officers impervious to consequences. The rules proposed would allow as little as a written reprimand for sexual assault and lethal excessive force, and NO consequences for membership in a hate organization, such as the Oath  
Keepers. The rules allow such a large list of "mitigating factors" that all of the standards become unenforceable.

When the nation took to the streets in 2020 demanding justice, we were seeking  
actual accountability in our criminal legal system, and an end to police violence, but have seen only increased investments in policing and now these inadequate accountability standards that police unions will easily get around.

Instead  
of these meek measures, police officers who commit serious crimes or do serious harm to community members should be fired and lose their pensions. Police agencies should be prohibited from hiring anyone with a membership in an organization committed to undermining  
our democracy or seeking white supremacy, and current employees must disavow any previous memberships, at minimum, or lose their jobs.

I  
**urge you to vote "No"**, appoint new members who are willing to impose more serious standards



that would address these most serious harms from police, and return to the drawing board to complete your task taking into account this feedback.

Thank you for taking action.

Best,  
Mary

--

Mary Hungerford

[hungerfordmary@gmail.com](mailto:hungerfordmary@gmail.com)

**Redacted**

pronouns: she/her/hers ([what's this?](#))

**Archived:** Thursday, September 15, 2022 2:16:21 PM

**From:** [jennifer hamilton](#)

**Mail received time:** Thu, 15 Sep 2022 19:24:55

**Sent:** Thu, 15 Sep 2022 15:24:51

**To:** [ORLawEnf Commission](#)

**Subject:** Accountability for police officers

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Good afternoon Co-Chairs Henson and Slauson, Director Boss, and Members of the Commission,

My name is Jennifer Hamilton and I am volunteering with Showing Up for Racial Justice in solidarity with ACLU Oregon to implore you to reject the standards for police accountability up for adoption on September 21, 2022.

The proposed law enforcement standards on conduct and discipline fall far short of addressing the harms of policing cast into sharp relief by the murders of George Floyd, Breonna Taylor, and many others. Stronger accountability measures are necessary to address the serious harm caused by police officers impervious to consequences. The rules proposed would allow as little as a written reprimand for sexual assault and lethal excessive force, and NO consequences for membership in a hate organization, such as the Oath Keepers. The rules allow such a large list of "mitigating factors" that all of the standards become unenforceable. When the nation took to the streets in 2020 demanding justice, we were seeking actual accountability in our criminal legal system, and an end to police violence, but have seen only increased investments in policing and now these inadequate accountability standards that police unions will easily get around.

Instead of these meek measures, police officers who commit serious crimes or do serious harm to community members should be fired and lose their pensions. Police agencies should be prohibited from hiring anyone with a membership in an organization committed to undermining our democracy or seeking white supremacy, and current employees must disavow any previous memberships, at minimum, or lose their jobs.

**I urge you to vote "No",**  
appoint new members who are willing to impose more serious standards that would address these most serious harms from police, and return to the drawing board to complete your task taking into account this feedback.

Thank you,

Jennifer Hamilton

**Archived:** Thursday, September 15, 2022 2:18:21 PM

**From:** [Allison Lipsman](#)

**Mail received time:** Thu, 15 Sep 2022 19:25:24

**Sent:** Thu, 15 Sep 2022 14:25:09

**To:** [ORLawEnf Commission](#)

**Subject:** asking you to please reject the new standards on policy accountability

**Importance:** Normal

**Sensitivity:** None

---

**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Dear  
Co-Chairs Henson and Slauson, Director Boss, and Members of the Commission,

My  
name is Allison Lipsman and I am a volunteer with SURJ (Showing Up for Racial Justice) in solidarity with ACLU Oregon to implore you to reject the standards for police accountability up for adoption on September 21, 2022.

The  
proposed law enforcement standards on conduct and discipline fall far short of addressing the harms of policing cast into sharp relief by the murders of George Floyd, Breonna Taylor, and many others. Stronger accountability measures are necessary to address  
the serious harm caused by police officers impervious to consequences. The rules proposed would allow as little as a written reprimand for sexual assault and lethal excessive force, and NO consequences for membership in a hate organization, such as the Oath  
Keepers. The rules allow such a large list of "mitigating factors" that all of the standards become unenforceable. When the nation took to the streets in 2020 demanding justice, we were seeking actual accountability in our criminal legal system, and an end  
to police violence, but have seen only increased investments in policing and now these inadequate accountability standards that police unions will easily get around.

Instead  
of these meek measures, police officers who commit serious crimes or do serious harm to community members should be fired and lose their pensions. Police agencies should be prohibited from hiring anyone with a membership in an organization committed to undermining  
our democracy or seeking white supremacy, and current employees must disavow any previous memberships, at minimum, or lose their jobs.

I  
**urge you to vote "No"**, appoint new members who are willing  
to impose more serious standards that would address these most serious harms from police, and return to the drawing board to complete your task taking into account this feedback.

Thank you for your time and consideration.

Sincerely,  
Allison Lipsman

**Archived:** Thursday, September 15, 2022 2:20:19 PM

**From:** [Haley Kessinger](#)

**Mail received time:** Thu, 15 Sep 2022 19:26:21

**Sent:** Thu, 15 Sep 2022 15:26:06

**To:** [ORLawEnf Commission](#)

**Subject:** Stronger Accountability Measures are Necessary!

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Good afternoon Co-Chairs Henson and Slauson, Director Boss, and Members of the Commission,

My name is Haley Kessinger and I am volunteering with Showing Up for Racial Justice in solidarity with ACLU Oregon to implore you to reject the standards for police accountability up for adoption on September 21, 2022.

The proposed law enforcement standards on conduct and discipline fall far short of addressing the harms of policing cast into sharp relief by the murders of George Floyd, Breonna Taylor, and many others. Stronger accountability measures are necessary to address the serious harm caused by police officers impervious to consequences. The rules proposed would allow as little as a written reprimand for sexual assault and lethal excessive force, and NO consequences for membership in a hate organization, such as the Oath Keepers. The rules allow such a large list of "mitigating factors" that all of the standards become unenforceable. When the nation took to the streets in 2020 demanding justice, we were seeking actual accountability in our criminal legal system, and an end to police violence, but have seen only increased investments in policing and now these inadequate accountability standards that police unions will easily get around.

Instead of these meek measures, police officers who commit serious crimes or do serious harm to community members should be fired and lose their pensions. Police agencies should be prohibited from hiring anyone with a membership in an organization committed to undermining our democracy or seeking white supremacy, and current employees must disavow any previous memberships, at minimum, or lose their jobs.

**I urge you to vote "No",** appoint new members who are willing to impose more serious standards that would address these most serious harms from police, and return to the drawing board to complete your task taking into account this feedback.

**Archived:** Thursday, September 15, 2022 2:23:30 PM

**From:** [Shea in the Catskills](#)

**Mail received time:** Thu, 15 Sep 2022 19:26:38

**Sent:** Thu, 15 Sep 2022 15:26:23

**To:** [ORLawEnf Commission](#)

**Subject:** Reject the standards for police accountability

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Good afternoon Co-Chairs Henson and Slauson, Director Boss, and Members of the Commission,

My name is Shea, and I am volunteering with Showing Up for Racial Justice in solidarity with ACLU Oregon to implore you to reject the standards for police accountability up for adoption on September 21, 2022.

The proposed law enforcement standards on conduct and discipline fall far short of addressing the harms of policing cast into sharp relief by the murders of George Floyd, Breonna Taylor, and many others. Stronger accountability measures are necessary to address the serious harm caused by police officers impervious to consequences. The rules proposed would allow as little as a written reprimand for sexual assault and lethal excessive force, and NO consequences for membership in a hate organization, such as the Oath Keepers. The rules allow such a large list of "mitigating factors" that all of the standards become unenforceable. When the nation took to the streets in 2020 demanding justice, we were seeking actual accountability in our criminal legal system, and an end to police violence, but have seen only increased investments in policing and now these inadequate accountability standards that police unions will easily get around.

Instead of these meek measures, police officers who commit serious crimes or do serious harm to community members should be fired and lose their pensions. Police agencies should be prohibited from hiring anyone with a membership in an organization committed to undermining our democracy or seeking white supremacy, and current employees must disavow any previous memberships, at minimum, or lose their jobs.

**I urge you to vote "No",** appoint new members who are willing to impose more serious standards that would address these most serious harms from police, and return to the drawing board to complete your task taking into account this feedback.

Sincerely,  
Shea Settimi

--

Shea in the Catskills  
she/they [[why](#)  
[is this here?](#)]  
[sheainthecatskills.com](http://sheainthecatskills.com)

**Archived:** Thursday, September 15, 2022 2:25:24 PM

**From:** [Joy Leonard](#)

**Mail received time:** Thu, 15 Sep 2022 19:27:43

**Sent:** Thu, 15 Sep 2022 15:27:04

**To:** [ORLawEnf Commission](#)

**Subject:** Please vote NO on proposed Police Accountability standards

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Good afternoon Co-Chairs Henson and Slauson, Director Boss, and Members of the Commission,

My name is Joy Leonard, and I am volunteering with Showing Up for Racial Justice in solidarity with ACLU Oregon to implore you to reject the standards for police accountability up for adoption on September 21, 2022.

The proposed law enforcement standards on conduct and discipline fall far short of addressing the harms of policing cast into sharp relief by the murders of George Floyd, Breonna Taylor, and many others. Stronger accountability measures are necessary to address the serious harm caused by police officers impervious to consequences. The rules proposed would allow as little as a written reprimand for sexual assault and lethal excessive force, and NO consequences for membership in a hate organization, such as the Oath Keepers. The rules allow such a large list of "mitigating factors" that all of the standards become unenforceable. When the nation took to the streets in 2020 demanding justice, we were seeking actual accountability in our criminal legal system, and an end to police violence, but have seen only increased investments in policing and now these inadequate accountability standards that police unions will easily get around.

Instead of these meek measures, police officers who commit serious crimes or do serious harm to community members should be fired and lose their pensions. Police agencies should be prohibited from hiring anyone with a membership in an organization committed to undermining our democracy or seeking white supremacy, and current employees must disavow any previous memberships, at minimum, or lose their jobs.

I **urge you to vote "No"**, appoint new members who are willing to impose more serious standards that would address these most serious harms from police, and return to the drawing board to complete your task taking into account this feedback.

Thank you in advance for your consideration and action on this matter!



In community,

Joy Leonard  
She/her/hers

**Archived:** Thursday, September 15, 2022 2:27:08 PM

**From:** [Sarah Bush](#)

**Mail received time:** Thu, 15 Sep 2022 19:28:07

**Sent:** Thu, 15 Sep 2022 19:28:04

**To:** [ORLawEnf Commission](#)

**Subject:** STOP SHIELDING COPS

**Importance:** Normal

**Sensitivity:** None

---

**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Good afternoon Co-Chairs Henson  
and Slauson, Director Boss, and Members of the Commission,

My name is Sarah Bush and I am volunteering  
with Showing Up for Racial Justice in solidarity with ACLU Oregon to implore you to reject the standards for police  
accountability up for adoption on September 21, 2022.

The proposed law enforcement standards  
on conduct and discipline fall far short of addressing the harms of policing cast into sharp relief by the murders of  
George Floyd, Breonna Taylor, and many others. Stronger accountability measures are necessary to address the  
serious harm caused by police  
officers impervious to consequences. The rules proposed would allow as little as a written reprimand for sexual  
assault and lethal excessive force, and NO consequences for membership in a hate organization, such as the Oath  
Keepers. The rules allow such  
a large list of "mitigating factors" that all of the standards become unenforceable. When the nation took to the streets in  
2020 demanding justice, we were seeking actual accountability in our criminal legal system, and an end to police  
violence, but have  
seen only increased investments in policing and now these inadequate accountability standards that police unions will  
easily get around.

Instead of these meek measures,  
police officers who commit serious crimes or do serious harm to community members should be fired and lose their  
pensions. Police agencies should be prohibited from hiring anyone with a membership in an organization committed to  
undermining our democracy  
or seeking white supremacy, and current employees must disavow any previous memberships, at minimum, or lose  
their jobs.

**I urge you to**

**vote "No"**, appoint new members who are willing to impose more serious standards that would address  
these most serious harms from police, and return to the drawing board to complete your task taking into account this  
feedback.

Sincerely,

Sarah Bush

**From:** [Elena Pinsky](#)  
**To:** [ORLawEnf Commission](#)  
**Subject:** Please stop shielding cops  
**Date:** Thursday, September 15, 2022 12:29:12 PM

---

**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Good afternoon Co-Chairs Henson and Slauson, Director Boss, and Members of the Commission,

My name is Elena Pinsky and I am volunteering with Showing Up for Racial Justice in solidarity with ACLU Oregon to implore you to reject the standards for police accountability up for adoption on September 21, 2022.

The proposed law enforcement standards on conduct and discipline fall far short of addressing the harms of policing cast into sharp relief by the murders of George Floyd, Breonna Taylor, and many others. Stronger accountability measures are necessary to address the serious harm caused by police officers impervious to consequences. The rules proposed would allow as little as a written reprimand for sexual assault and lethal excessive force, and NO consequences for membership in a hate organization, such as the Oath Keepers. The rules allow such a large list of "mitigating factors" that all of the standards become unenforceable. When the nation took to the streets in 2020 demanding justice, we were seeking actual accountability in our criminal legal system, and an end to police violence, but have seen only increased investments in policing and now these inadequate accountability standards that police unions will easily get around.

Instead of these meek measures, police officers who commit serious crimes or do serious harm to community members should be fired and lose their pensions. Police agencies should be prohibited from hiring anyone with a membership in an organization committed to undermining our democracy or seeking white supremacy, and current employees must disavow any previous memberships, at minimum, or lose their jobs.

**I urge you to vote "No"**, appoint new members who are willing to impose more serious standards that would address these most serious harms from police, and return to the drawing board to complete your task taking into account this feedback.



---

**From:** Janie Starr <starrboogie@earthlink.net>  
**Sent:** Thursday, September 15, 2022 12:29 PM  
**To:** ORLawEnf Commission  
**Subject:** I urge you to vote "No",

**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Good afternoon Co-Chairs Henson and Slauson, Director Boss, and Members of the Commission,

My name is Janie Starr, and I am volunteering with Showing Up for Racial Justice in solidarity with ACLU Oregon to implore you to reject the standards for police accountability up for adoption on September 21, 2022.

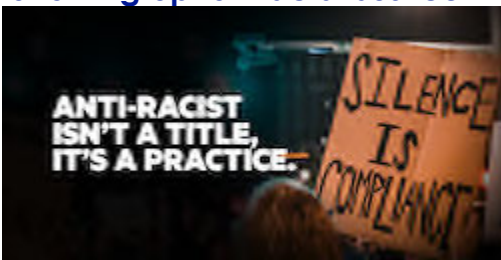
The proposed law enforcement standards on conduct and discipline fall far short of addressing the harms of policing cast into sharp relief by the murders of George Floyd, Breonna Taylor, and many others. Stronger accountability measures are necessary to address the serious harm caused by police officers impervious to consequences. The rules proposed would allow as little as a written reprimand for sexual assault and lethal excessive force, and NO consequences for membership in a hate organization, such as the Oath Keepers. The rules allow such a large list of "mitigating factors" that all of the standards become unenforceable. When the nation took to the streets in 2020 demanding justice, we were seeking actual accountability in our criminal legal system, and an end to police violence, but have seen only increased investments in policing and now these inadequate accountability standards that police unions will easily get around.

Instead of these meek measures, police officers who commit serious crimes or do serious harm to community members should be fired and lose their pensions. Police agencies should be prohibited from hiring anyone with a membership in an organization committed to undermining our democracy or seeking white supremacy, and current employees must disavow any previous memberships, at minimum, or lose their jobs.

**I urge you to vote "No"**, appoint new members who are willing to impose more serious standards that would address these most serious harms from police, and return to the drawing board to complete your task taking into account this feedback.

Respectfully submitted,  
Janie Starr

### **Showing Up for Racial Justice**



**"The new dawn blooms as we free it"**

**For there is always light,  
if only we're brave enough to see it  
If only we're brave enough to be it" ~ Amanda Gorman**

**Archived:** Thursday, September 15, 2022 2:44:36 PM

**From:** [Monica Kay Allen](#)

**Sent:** Thu, 15 Sep 2022 14:29:32

**To:** [ORLawEnf Commission](#)

**Subject:** Vote No! and do better to protect victims and communities

**Importance:** Normal

**Sensitivity:** None

---

**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Good afternoon Co-Chairs Henson and Slauson, Director Boss, and Members of the Commission,

My name is Monica Allen and I am volunteering with Showing Up for Racial Justice in solidarity with ACLU Oregon to implore you to reject the standards for police accountability up for adoption on September 21, 2022.

The proposed law enforcement standards on conduct and discipline fall far short of addressing the harms of policing cast into sharp relief by the murders of George Floyd, Breonna Taylor, and many others. Stronger accountability measures are necessary to address the serious harm caused by police officers impervious to consequences. The rules proposed would allow as little as a written reprimand for sexual assault and lethal excessive force, and NO consequences for membership in a hate organization, such as the Oath Keepers. The rules allow such a large list of "mitigating factors" that all of the standards become unenforceable. When the nation took to the streets in 2020 demanding justice, we were seeking actual accountability in our criminal legal system, and an end to police violence, but have seen only increased investments in policing and now these inadequate accountability standards that police unions will easily get around.

Instead of these meek measures, police officers who commit serious crimes or do serious harm to community members should be fired and lose their pensions. Police agencies should be prohibited from hiring anyone with a membership in an organization committed to undermining our democracy or seeking white supremacy, and current employees must disavow any previous memberships, at minimum, or lose their jobs.

**I urge you to vote "No",**  
appoint new members who are willing to impose more serious standards that would address these most serious harms from police, and return to the drawing board to complete your task taking into account this feedback.

Monica Allen  
Eagan, Minnesota



**Archived:** Thursday, September 15, 2022 2:47:02 PM

**From:** [Jillian Anthony](#)

**Mail received time:** Thu, 15 Sep 2022 19:29:49

**Sent:** Thu, 15 Sep 2022 14:31:10

**To:** [ORLawEnf Commission](#)

**Subject:** Vote NO on the standards for police accountability on September 21

**Importance:** Normal

**Sensitivity:** None

---

**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Good  
afternoon Co-Chairs Henson and Slauson, Director Boss, and Members of the Commission,

My  
name is Jillian Anthony and I am volunteering with Showing Up for Racial Justice in solidarity with ACLU Oregon to implore you to reject the standards for police accountability up for adoption on September 21, 2022.

The  
proposed law enforcement standards on conduct and discipline fall far short of addressing the harms of policing cast into sharp relief by the murders of George Floyd, Breonna Taylor, and many others. Stronger accountability measures are necessary to address  
the serious harm caused by police officers impervious to consequences. The rules proposed would allow as little as a written reprimand for sexual assault and lethal excessive force, and NO consequences for membership in a hate organization, such as the Oath  
Keepers. The rules allow such a large list of "mitigating factors" that all of the standards become unenforceable. When the nation took to the streets in 2020 demanding justice, we were seeking actual accountability in our criminal legal system, and an end  
to police violence, but have seen only increased investments in policing and now these inadequate accountability standards that police unions will easily get around.

Instead  
of these meek measures, police officers who commit serious crimes or do serious harm to community members should be fired and lose their pensions. Police agencies should be prohibited from hiring anyone with a membership in an organization committed to undermining  
our democracy or seeking white supremacy, and current employees must disavow any previous memberships, at minimum, or lose their jobs.

**I urge you to vote "No,"**  
appoint new members who are willing to impose more serious  
standards that would address these most serious harms from police, and return to the drawing board to complete your task taking into account this feedback.

Thank you,  
Jillian Anthony



**Archived:** Thursday, September 15, 2022 2:50:24 PM

**From:** [H Frederick](#)

**Mail received time:** Thu, 15 Sep 2022 19:30:36

**Sent:** Thu, 15 Sep 2022 12:30:20

**To:** [ORLawEnf Commission](#)

**Subject:** Public Safety Should Be Priority

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Good afternoon Co-Chairs Henson and Slauson, Director Boss, and Members of the Commission,

My name is Frederick and I am volunteering with Showing Up for Racial Justice in solidarity with ACLU Oregon to implore you to reject the standards for police accountability up for adoption on September 21, 2022.

The proposed law enforcement standards on conduct and discipline fall far short of addressing the harms of policing cast into sharp relief by the murders of George Floyd, Breonna Taylor, and many others. Stronger accountability measures are necessary to address the serious harm caused by police officers impervious to consequences. The rules proposed would allow as little as a written reprimand for sexual assault and lethal excessive force, and NO consequences for membership in a hate organization, such as the Oath Keepers.

The rules allow such a large list of "mitigating factors" that all of the standards become unenforceable. When the nation took to the streets in 2020 demanding justice, we were seeking actual accountability in our criminal legal system, and an end to police violence, but have seen only increased investments in policing and now these inadequate accountability standards that police unions will easily get around.

Instead of these meek measures, police officers who commit serious crimes or do serious harm to community members should be fired and lose their pensions. Police agencies should be prohibited from hiring anyone with a membership in an organization committed to undermining our democracy or seeking white supremacy, and current employees must disavow any previous memberships, at minimum, or lose their jobs.

I urge you to vote "No," appoint new members who are willing to impose more serious standards that would address these most serious harms from police, and return to the drawing board to complete your task taking into account this feedback.

Thank you,  
H. Frederick

**Archived:** Thursday, September 15, 2022 2:52:50 PM

**From:** [Melissa Mendes Campos](#)

**Mail received time:** Thu, 15 Sep 2022 19:31:41

**Sent:** Thu, 15 Sep 2022 12:31:27

**To:** [ORLawEnf Commission](#)

**Subject:** standards for police accountability

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Good  
afternoon Co-Chairs Henson and Slauson, Director Boss, and Members of the Commission,

My  
name is Melissa and I am volunteering with Showing Up for Racial Justice in solidarity with ACLU Oregon to implore you to reject the standards for police accountability up for adoption on September 21, 2022.

The  
proposed law enforcement standards on conduct and discipline fall far short of addressing the harms of policing cast into sharp relief by the murders of George Floyd, Breonna Taylor, and many others. Stronger accountability measures are necessary to address  
the serious harm caused by police officers impervious to consequences. The rules proposed would allow as little as a written reprimand for sexual assault and lethal excessive force, and NO consequences for membership in a hate organization, such as the Oath  
Keepers. The rules allow such a large list of "mitigating factors" that all of the standards become unenforceable. When the nation took to the streets in 2020 demanding justice, we were seeking actual accountability in our criminal legal system, and an end  
to police violence, but have seen only increased investments in policing and now these inadequate accountability standards that police unions will easily get around.

Instead  
of these meek measures, police officers who commit serious crimes or do serious harm to community members should be fired and lose their pensions. Further, police agencies should be prohibited from hiring anyone with a membership in an organization known to  
be committed to undermining our democracy or seeking white supremacy, and current employees must disavow any previous memberships, at minimum, or lose their jobs.

I  
**urge you to vote "No"**, appoint new members who are willing  
to impose more serious standards that would address these most serious harms from police, and return to the drawing board to complete your task taking into account this feedback.

Thank you for your consideration,



**Archived:** Thursday, September 15, 2022 2:54:35 PM

**From:** [Alex Blum](#)

**Mail received time:** Thu, 15 Sep 2022 19:31:47

**Sent:** Thu, 15 Sep 2022 12:31:34

**To:** [ORLawEnf Commission](#)

**Subject:** We need real accountability: vote no on the proposed law enforcement standards

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Good afternoon Co-Chairs Henson  
and Slauson, Director Boss, and Members of the Commission,

My name is Alex Blum and I am volunteering  
with Showing Up for Racial Justice in solidarity with ACLU Oregon to implore you to reject the standards for police  
accountability up for adoption on September 21, 2022. I

**urge you to vote "No"**, appoint new members who are willing to impose more serious standards that  
would address these most serious harms from police, and return to the drawing board to complete your task taking into  
account this feedback.

The proposed law enforcement standards  
on conduct and discipline fall far short of addressing the harms of policing cast into sharp relief by the murders of  
George Floyd, Breonna Taylor, and many others.

The rules proposed would allow as little as a written reprimand for sexual assault and lethal excessive force, and no  
consequences for membership in a hate organization, such as the Oath Keepers.

It's past time for actual accountability in our criminal legal system and an end to police violence.

Instead of these meek measures, police officers who commit serious crimes or do serious harm to community  
members should  
be fired and lose their pensions.

Police agencies should be prohibited from hiring anyone with a membership in an organization committed to  
undermining  
our democracy or seeking white supremacy, and current employees must disavow any previous memberships, at  
minimum, or lose their jobs.

Thank you so much,

Alex Blum

**Archived:** Thursday, September 15, 2022 2:57:21 PM  
**From:** [Deborah Zubow](#)  
**Mail received time:** Thu, 15 Sep 2022 19:34:48  
**Sent:** Thu, 15 Sep 2022 19:34:41  
**To:** [ORLawEnf Commission](#)  
**Subject:** Accountability - police have a special responsibility  
**Importance:** Normal  
**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Good afternoon Co-Chairs Henson and Slauson,  
Director Boss, and Members of the Commission,

My name is Deborah Zubow and I am volunteering with Showing Up for Racial Justice in solidarity with ACLU Oregon to implore you to reject the standards for police accountability up for adoption on September 21, 2022. As individuals empowered by the state to represent us and to use force, they must be held to even higher standards than those who do not hold "public" positions

The proposed law enforcement standards on conduct and discipline fall far short of addressing the harms of policing cast into sharp relief by the murders of George Floyd, Breonna Taylor, and many others. Stronger accountability measures are necessary to address the serious harm caused by police officers impervious to consequences. The rules proposed would allow as little as a written reprimand for sexual assault and lethal excessive force, and NO consequences for membership in a hate organization, such as the Oath Keepers. The rules allow such a large list of "mitigating factors" that all of the standards become unenforceable. When the nation took to the streets in 2020 demanding justice, we were seeking actual accountability in our criminal legal system, and an end to police violence, but have seen only increased investments in policing and now these inadequate accountability standards that police unions will easily get around.

Instead of these meek measures, police officers who commit serious crimes or do serious harm to community members should be fired and lose their pensions. Police agencies should be prohibited from hiring anyone with a membership in an organization committed to undermining our democracy or seeking white supremacy, and current employees must disavow any previous memberships, at minimum, or lose their jobs.

**I urge you to vote "No",**

appoint new members who are willing to impose more serious standards that would address these most serious harms from police, and return to the drawing board to complete your task taking into account this feedback.

## Z Abortion on Demand and Without Apology



**Archived:** Thursday, September 15, 2022 2:59:48 PM

**From:** [Maya Dru](#)

**Mail received time:** Thu, 15 Sep 2022 19:35:13

**Sent:** Thu, 15 Sep 2022 12:34:33

**To:** [ORLawEnf Commission](#)

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\*** This email originated from outside of DOJ. Treat attachments and links with caution. **\*CAUTION EXTERNAL EMAIL\***

Good  
afternoon, Director Fred Boss, Co-Chairs Henson and Slauson, and Members of the Committee,

My name is Maya Dru, and I do business in Oregon.

I implore you to reject the standards for police accountability up for adoption on September 21, 2022.

**Please vote no on the proposed standards of conduct and discipline.**

*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.

Again,  
**vote no.**

Sincerely,  
Maya Dru

**Archived:** Thursday, September 15, 2022 3:01:48 PM

**From:** [Kristin Silvani](#)

**Mail received time:** Thu, 15 Sep 2022 19:36:19

**Sent:** Thu, 15 Sep 2022 19:36:14

**To:** [ORLawEnf Commission](#)

**Subject:** STOP SHIELDING COPS

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Good afternoon Co-Chairs Henson  
and Slauson, Director Boss, and Members of the Commission,

My name is Kristin Silvani and I  
am volunteering with Showing Up for Racial Justice in solidarity with ACLU Oregon to implore you to reject the  
standards for police accountability up for adoption on September 21, 2022.

The proposed law enforcement standards  
on conduct and discipline fall far short of addressing the harms of policing cast into sharp relief by the murders of  
George Floyd, Breonna Taylor, and many others. Stronger accountability measures are necessary to address the  
serious harm caused by police  
officers impervious to consequences. The rules proposed would allow as little as a written reprimand for sexual  
assault and lethal excessive force, and NO consequences for membership in a hate organization, such as the Oath  
Keepers. The rules allow such  
a large list of "mitigating factors" that all of the standards become unenforceable. When the nation took to the streets in  
2020 demanding justice, we were seeking actual accountability in our criminal legal system, and an end to police  
violence, but have  
seen only increased investments in policing and now these inadequate accountability standards that police unions will  
easily get around.

Instead of these meek measures,  
police officers who commit serious crimes or do serious harm to community members should be fired and lose their  
pensions. Police agencies should be prohibited from hiring anyone with a membership in an organization committed to  
undermining our democracy  
or seeking white supremacy, and current employees must disavow any previous memberships, at minimum, or lose  
their jobs.

**I urge you to vote "No",**  
appoint new members who are willing to impose more serious standards that would address these most  
serious harms from police, and return to the drawing board to complete your task taking into account this feedback.

**Archived:** Thursday, September 15, 2022 3:05:47 PM

**From:** [Barbara Kellogg](#)

**Mail received time:** Thu, 15 Sep 2022 19:36:21

**Sent:** Thu, 15 Sep 2022 12:36:07

**To:** [ORLawEnf Commission](#)

**Subject:** Public Comment: Please vote NO on proposed Law Enforcement Standard of Conduct and Discipline

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Dear Commission Members: First I want to applaud the creation of this commission and the goal of establishing a uniform set of standards for law enforcement in Oregon. Such standards are critical and very much needed. Unfortunately, the proposed standards are too weak to make a significant difference in curbing misconduct or creating accountability for bad actors. Because of the expansive mitigation provisions, the penalty for serious misconduct, including excessive physical force and death, sexual assault, and discrimination can be as minor as a written reprimand. There is no protection for the public from law enforcement personnel who are members of white supremacist organizations and act on those views on the job.

Too many people have died or been seriously injured at the hands of law enforcement without cause. These standards will not prevent that conduct nor create a climate of trust between law enforcement and the community. Please vote NO.

Barbara Kellogg  
3465 Chevy Chase Street  
Eugene, OR 97401

[kellogg89@gmail.com](mailto:kellogg89@gmail.com)

**Redacted**

**From:** [Tricia Lund](#)  
**To:** [ORLawEnf Commission](#)  
**Subject:** Police Accountability Reform  
**Date:** Thursday, September 15, 2022 12:37:44 PM

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Good afternoon Co-Chairs Henson and Slauson, Director Boss, and Members of the Commission,

My name is Patricia Lund and I am volunteering with "Showing Up for Racial Justice" in solidarity with ACLU Oregon to implore you to reject the standards for police accountability up for adoption on September 21, 2022.

The proposed law enforcement standards on conduct and discipline fall far short of addressing the harms of policing cast into sharp relief by the murders of George Floyd, Breonna Taylor, and many others. Stronger accountability measures are necessary to address the serious harm caused by police officers impervious to consequences. The rules proposed would allow as little as a written reprimand for sexual assault and lethal excessive force, and NO consequences for membership in a hate organization, such as the Oath Keepers. The rules allow such a large list of "mitigating factors" that all of the standards become unenforceable. When the nation took to the streets in 2020 demanding justice, we were seeking actual accountability in our criminal legal system, and an end to police violence, but have seen only increased investments in policing and now these inadequate accountability standards that police unions will easily get around.

Instead of these meek measures, police officers who commit serious crimes or do serious harm to community members should be fired and lose their pensions. Police agencies should be prohibited from hiring anyone with a membership in an organization committed to undermining our democracy or seeking white supremacy, and current employees must disavow any previous memberships, at minimum, or lose their jobs.

**I urge you to vote "No"**, appoint new members who are willing to impose more serious standards that would address these most serious harms from police, and return to the drawing board to complete your task taking into account this feedback.

Thank you for your time.

- Patricia Lund

**From:** [Danya Davis](#)  
**To:** [ORLawEnf Commission](#)  
**Subject:** STOP SHIELDING COPS  
**Date:** Thursday, September 15, 2022 12:38:09 PM

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Good afternoon Co-Chairs Henson and Slauson, Director Boss, and Members of the Commission,

My name is Danya and I am volunteering with Showing Up for Racial Justice in solidarity with ACLU Oregon to implore you to reject the standards for police accountability up for adoption on September 21, 2022.

The proposed law enforcement standards on conduct and discipline fall far short of addressing the harms of policing cast into sharp relief by the murders of George Floyd, Breonna Taylor, and many others. Stronger accountability measures are necessary to address the serious harm caused by police officers impervious to consequences. The rules proposed would allow as little as a written reprimand for sexual assault and lethal excessive force, and NO consequences for membership in a hate organization, such as the Oath Keepers. The rules allow such a large list of "mitigating factors" that all of the standards become unenforceable. When the nation took to the streets in 2020 demanding justice, we were seeking actual accountability in our criminal legal system, and an end to police violence, but have seen only increased investments in policing and now these inadequate accountability standards that police unions will easily get around.

Instead of these meek measures, police officers who commit serious crimes or do serious harm to community members should be fired and lose their pensions. Police agencies should be prohibited from hiring anyone with a membership in an organization committed to undermining our democracy or seeking white supremacy, and current employees must disavow any previous memberships, at minimum, or lose their jobs.

**I urge you to vote "No"**, appoint new members who are willing to impose more serious standards that would address these most serious harms from police, and return to the drawing board to complete your task taking into account this feedback.

--

**Danya**

Pronouns: She/They

**Archived:** Thursday, September 15, 2022 3:20:53 PM

**From:** [Jamie Storyward](#)

**Mail received time:** Thu, 15 Sep 2022 19:38:22

**Sent:** Thu, 15 Sep 2022 15:38:07

**To:** [ORLawEnf Commission](#)

**Subject:** Permit accountability standards for cops

**Importance:** Normal

**Sensitivity:** None

---

**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Good afternoon Co-Chairs Henson and Slauson, Director Boss, and Members of the Commission,

My name is Jamie Storyward and I am volunteering with Showing Up for Racial Justice in solidarity with ACLU Oregon to implore you to reject the standards for police accountability up for adoption on September 21, 2022.

The proposed law enforcement standards on conduct and discipline fall far short of addressing the harms of policing cast into sharp relief by the murders of George Floyd, Breonna Taylor, and many others. Stronger accountability measures are necessary to address the serious harm caused by police officers impervious to consequences. The rules proposed would allow as little as a written reprimand for sexual assault and lethal excessive force, and NO consequences for membership in a hate organization, such as the Oath Keepers. The rules allow such a large list of "mitigating factors" that all of the standards become unenforceable. When the nation took to the streets in 2020 demanding justice, we were seeking actual accountability in our criminal legal system, and an end to police violence, but have seen only increased investments in policing and now these inadequate accountability standards that police unions will easily get around.

Instead of these meek measures, police officers who commit serious crimes or do serious harm to community members should be fired and lose their pensions. Police agencies should be prohibited from hiring anyone with a membership in an organization committed to undermining our democracy or seeking white supremacy, and current employees must disavow any previous memberships, at minimum, or lose their jobs.

I urge you to vote "No", appoint new members who are willing to impose more serious standards that would address these most serious harms from police, and return to the drawing board to complete your task taking into account this feedback.

Thank you,

Jamie

--

Jamie Storyward

she/her/hers

[jamiestoryward.com](http://jamiestoryward.com)

**Archived:** Thursday, September 15, 2022 3:23:02 PM

**From:** [Catita Anderson](#)

**Mail received time:** Thu, 15 Sep 2022 19:41:21

**Sent:** Thu, 15 Sep 2022 12:41:10

**To:** [ORLawEnf Commission](#)

**Subject:** Stop Shielding Cops and Make them Accountable

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

My

name is Catita Anderson, and I am volunteering with Showing Up for Racial Justice in solidarity with ACLU Oregon to implore you to reject the standards for police accountability up for adoption on September 21, 2022.

The

proposed law enforcement standards on conduct and discipline fall far short of addressing the harms of policing cast into sharp relief by the murders of George Floyd, Breonna Taylor, and many others. Stronger accountability measures are necessary to address

the serious harm caused by police officers impervious to consequences. The rules proposed would allow as little as a written reprimand for sexual assault and lethal excessive force, and NO consequences for membership in a hate organization, such as the Oath

Keepers. The rules allow such a large list of "mitigating factors" that all of the standards become unenforceable.

When the nation took to the streets in 2020 demanding justice, we were seeking actual accountability in our criminal legal system, and an end

to police violence, but have seen only increased investments in policing and now these inadequate accountability standards that police unions will easily get around.

Instead

of these meek measures, police officers who commit serious crimes or do serious harm to community members should be fired and lose their pensions. Police agencies should be prohibited from hiring anyone with a membership in an organization committed to undermining

our democracy or seeking white supremacy, and current employees must disavow any previous memberships, at minimum, or lose their jobs.

I

**urge you to vote "No"**, appoint new members who are willing

to impose more serious standards that would address these most serious harms from police, and return to the drawing board to complete your task taking into account this feedback.

Thank you,

Catita Anderson

**Archived:** Thursday, September 15, 2022 3:24:58 PM  
**From:** [Maria Gerspacher](#)  
**Mail received time:** Thu, 15 Sep 2022 19:42:04  
**Sent:** Thu, 15 Sep 2022 12:41:51  
**To:** [ORLawEnf Commission](#)  
**Subject:** Law Enforcement Accountability Standards input  
**Importance:** Normal  
**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Good afternoon Co-Chairs Henson  
and Slauson, Director Boss, and Members of the Commission,

My name is Maria and I am volunteering  
with Showing Up for Racial Justice in solidarity with ACLU Oregon to implore you to reject the standards for police  
accountability up for adoption on September 21, 2022 and to ask you create more serious standards.

The proposed law enforcement standards  
on conduct and discipline fall far short of addressing the harms of policing cast into sharp relief by the murders of  
George Floyd, Breonna Taylor, and many others. Stronger accountability measures are necessary to address the  
serious harm caused by police  
officers impervious to consequences. The rules proposed would allow as little as a written reprimand for sexual  
assault and lethal excessive force, and NO consequences for membership in a hate organization, such as the Oath  
Keepers. The rules allow such  
a large list of "mitigating factors" that all of the standards become unenforceable. When the nation took to the streets in  
2020 demanding justice, we were seeking actual accountability in our criminal legal system, and an end to police  
violence, but have  
seen only increased investments in policing and now these inadequate accountability standards that police unions will  
easily get around.

Instead of these meek measures,  
police officers who commit serious crimes or do serious harm to community members should be fired and lose their  
pensions. Police agencies should be prohibited from hiring anyone with a membership in an organization committed to  
undermining our democracy  
or seeking white supremacy, and current employees must disavow any previous memberships, at minimum, or lose  
their jobs.

**I urge you to vote**

**"No"**, appoint new members who are willing to impose more serious standards that would address these  
most serious harms from police, and return to the drawing board to complete your task taking into account this  
feedback.

Thank you,  
Maria





**From:** [Christina Mondy](#)  
**To:** [ORLawEnf Commission](#)  
**Subject:** Stop Shielding Cops...seriously  
**Date:** Thursday, September 15, 2022 12:43:24 PM

---

**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Hi there,

My name is Christina Mondy and I'm a volunteer with Showing Up for Racial Justice. I implore you to reject the ridiculous standards for police accountability up for adoption on September 21, 2022.

The proposed law enforcement standards on conduct and discipline fall far short of addressing the harms of policing and are basically a joke. Stronger accountability measures are necessary to address the serious harm caused by police officers who currently seem impervious to consequences. The rules proposed would allow as little as a written reprimand for sexual assault and lethal excessive force, and NO consequences for membership in a hate organization, such as the Oath Keepers. The rules allow such a large list of "mitigating factors" that all of the standards become unenforceable. How is that justice?

Police officers who commit serious crimes or do any harm to community members should be fired and lose their pensions. It's that simple and it would be the same in literally every other job in the world. Police agencies should be prohibited from hiring anyone with a membership in an organization committed to undermining our democracy or seeking white supremacy, and current employees must disavow any previous memberships, at minimum, or lose their jobs. How is this even up for debate?

**I urge you to vote "No"**, appoint new members who are willing to impose more serious standards that would address these most serious harms from police, and return to the drawing board to complete your task taking into account this feedback.

Best,

Christina

**Archived:** Thursday, September 15, 2022 3:36:28 PM

**From:** [Lesleylinda Lannan](#)

**Mail received time:** Thu, 15 Sep 2022 19:43:35

**Sent:** Thu, 15 Sep 2022 15:42:54

**To:** [ORLawEnf Commission](#)

**Subject:** Standards for Police Accountability

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Good afternoon Co-Chairs Henson and Slauson, Director Boss,  
and Members of the Commission,

My name is Lesley Lannan and I am volunteering with Showing  
Up for Racial Justice in solidarity with ACLU Oregon to implore you to reject the standards for police accountability up  
for adoption on September 21, 2022.

The proposed law enforcement standards on conduct and discipline  
fall far short of addressing the harms of policing cast into sharp relief by the murders of George Floyd, Breonna Taylor,  
and many others. Stronger accountability measures are necessary to address the serious harm caused by police  
officers impervious to consequences.

The rules proposed would allow as little as a written reprimand for sexual assault and lethal excessive force, and NO  
consequences for membership in a hate organization, such as the Oath Keepers. The rules allow such a large list of  
"mitigating factors" that  
all of the standards become unenforceable. When the nation took to the streets in 2020 demanding justice, we were  
seeking actual accountability in our criminal legal system, and an end to police violence, but have seen only increased  
investments in policing  
and now these inadequate accountability standards that police unions will easily get around.

Instead of these meek measures, police officers who commit serious  
crimes or do serious harm to community members should be fired and lose their pensions. Police agencies should be  
prohibited from hiring anyone with a membership in an organization committed to undermining our democracy or  
seeking white supremacy, and current  
employees must disavow any previous memberships, at minimum, or lose their jobs.

**I urge you to vote "No",**  
appoint new members who are willing to impose more serious  
standards that would address these most serious harms from police, and return to the drawing board to complete your  
task taking into account this feedback.

Thank  
you for your attention to my concern.

Best,  
Lesley Lannan

**Archived:** Thursday, September 15, 2022 3:41:42 PM

**From:** [Madeleine Grigg](#)

**Mail received time:** Thu, 15 Sep 2022 19:45:09

**Sent:** Thu, 15 Sep 2022 13:44:56

**To:** [ORLawEnf Commission](#)

**Subject:** Holding Law Enforcement Accountable to Protect and Serve

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Greetings Co-Chairs Henson and Slauson, Director Boss, and Members of the Commission,

My name is Madeleine and I am emailing with concern about the lack of accountability measures in place for law enforcement in Oregon. In solidarity with Showing Up for Racial Justice and the ACLU of Oregon, I urge you to **reject the standards for police accountability up for adoption** on September 21st, 2022.

When I found out that, if passed, police would not be guaranteed to face consequences (like job or pension loss) for joining hate groups, committing sexual assault, or using excessive force -- which data shows is disproportionately inflicted onto people who identify as Black or African American -- I was deeply disturbed. If there is no rigid structure of accountability in place, how can the public trust the police officers they interact with?

It is safe to say that the proposed law enforcement standards on conduct and discipline fall short of addressing the harms of policing cast into sharp relief by the murders of George Floyd, Breonna Taylor, and many others. Stronger accountability measures are necessary to address these harms caused by police officers impervious to discipline. When the nation took to the streets in 2020 demanding justice, we were seeking actual accountability in our criminal legal system, and an end to police violence, but have seen only increased investments in policing and now these inadequate accountability standards that data and history shows police unions will easily get around.

Instead of these meek measures, police officers who commit serious crimes or do serious harm to community members should be fired and lose their pensions. Police agencies should be prohibited from hiring anyone with a membership in an organization committed to undermining our democracy or seeking white supremacy, and current employees must disavow any previous memberships, at minimum, or lose their jobs.

There is the saying, "with great power comes great responsibility. The police hold a great deal of power in the community -- including the power to take someone's life. The community deserves to know that officers will be held accountable and face consequences if they do harm to the people they have sworn to protect.

**urge you to vote "No"**, appoint new members who are willing to impose more serious standards that would address these most serious harms from police, and return to the drawing board to complete your task taking into account this feedback.

With respect and sincerity,

Madeleine Grigg

**From:** [Katie Hamlin](#)  
**To:** [ORLawEnf Commission](#)  
**Subject:** Stop Shielding Cops - reject the standards for police accountability  
**Date:** Thursday, September 15, 2022 12:46:21 PM

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Good afternoon Co-Chairs Henson and Slauson, Director Boss, and Members of the Commission,

My name is Katie Hamlin and I am volunteering with Showing Up for Racial Justice in solidarity with ACLU Oregon to implore you to reject the standards for police accountability up for adoption on September 21, 2022.

The proposed law enforcement standards on conduct and discipline fall far short of addressing the harms of policing cast into sharp relief by the murders of George Floyd, Breonna Taylor, and many others. Stronger accountability measures are necessary to address the serious harm caused by police officers impervious to consequences. The rules proposed would allow as little as a written reprimand for sexual assault and lethal excessive force, and NO consequences for membership in a hate organization, such as the Oath Keepers. The rules allow such a large list of "mitigating factors" that all of the standards become unenforceable. When the nation took to the streets in 2020 demanding justice, we were seeking actual accountability in our criminal legal system, and an end to police violence, but have seen only increased investments in policing and now these inadequate accountability standards that police unions will easily get around.

Instead of these meek measures, police officers who commit serious crimes or do serious harm to community members should be fired and lose their pensions. Police agencies should be prohibited from hiring anyone with a membership in an organization committed to undermining our democracy or seeking white supremacy, and current employees must disavow any previous memberships, at minimum, or lose their jobs.

**I urge you to vote "No"**, appoint new members who are willing to impose more serious standards that would address these most serious harms from police, and return to the drawing board to complete your task taking into account this feedback.

Katie Hamlin, PsyD

she/her/hers

Clinical Psychologist

[www.drkatiehamlin.com](http://www.drkatiehamlin.com)

Redacted

CONFIDENTIALITY NOTICE: Information contained in this message and any attachments is intended for the addressee(s). If you believe you have received this message in error, please

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**Archived:** Friday, September 16, 2022 12:28:47 PM

**From:** [Carol Scherer](#)

**Mail received time:** Thu, 15 Sep 2022 20:36:09

**Sent:** Thu, 15 Sep 2022 13:35:55

**To:** [ORLawEnf Commission](#)

**Subject:** Please Vote NO on the Standards Proposed by the Commission

**Importance:** Normal

**Sensitivity:** None

---

**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

The Commission on Law Enforcement Standards of Conduct and Discipline proposed standards do not keep police responsible. The proposals do not significantly address the root causes of misconduct.

The major flaw in Oregon's current system is the shielding of police as it allows evasion of responsibility for actions via qualified immunity.

Colorado passed Measure 217, Law Enforcement Integrity and Accountability Act, and leads the nation in holding police accountable, by ending qualified immunity at the state level and instilling other criteria. The path is set for Oregon to easily follow.

Colorado Representative Leslie Herod, Colorado House District 8, testified July 9, 2020 before a Joint Oregon Legislature work session on Transparent Policing and Use of Force Reform. Representative Herod relates that the Colorado measure passed overwhelmingly in the State legislature with strong bi-partisan support. It contains sweeping comprehensive and important reforms formulated with input and leadership from sheriffs and chiefs across Colorado. Please listen to her testimony and consider implementing measures akin to Colorado Measure 217. Thank you.

[https://olis.oregonlegislature.gov/liz/mediaplayer?clientID=4879615486&eventID=2020071021&startStreamAt=1926&fbclid=IwAR1IKTMwEn8UOb5v-f7lxOreHyDIpY6\\_dHsDKuTpEr](https://olis.oregonlegislature.gov/liz/mediaplayer?clientID=4879615486&eventID=2020071021&startStreamAt=1926&fbclid=IwAR1IKTMwEn8UOb5v-f7lxOreHyDIpY6_dHsDKuTpEr)

Respectfully,

Carol Scherer

**Redacted**

[Waltzn123@gmail.com](mailto:Waltzn123@gmail.com)

 **Oregon State Legislature** MENU



Joint Committee On Transparent Policing and Use of Force Reform 2020-07-09 10:00 AM

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## 2019-2020 Interim

### Joint Committee On Transparent Policing and Use of Force Reform (/liz/201911/Committees/JTPUFR/Overview)

7/9/2020 10:00 AM (/liz/201911/Committees/JTPUFR/2020-07-09-10-00), Remote Meeting

**Please Note: The Capitol Building is currently closed to the public and meetings are taking place remotely.**

**Go to <https://olis.oregonlegislature.gov/liz/201911/Committees/JTPUFR/Overview> to access a live stream of this meeting. Locate the meeting date and click on the camera icon at the designated time. A viewing station will also be available outside on the front steps of the Capitol Building.**

#### Informational Meeting

*Invited testimony only*

##### **Models for Modern Policing (10:00-10:30 a.m.)**

##### **Best Practices for Recruiting, Hiring, and Maintaining Wellness of Officers**

Cory Darling, Chief of Police, Sunriver Police Department

##### **Community Policing Models**

Susan Hutson, President, National Association for Civilian Oversight of Law Enforcement (NACOLE)

##### **Law Enforcement Partnerships with Mental Health Teams**

Chris Skinner, Chief, Eugene Police Department

Additional Presenters to be Determined

##### **Economics of Policing: Part 1 (10:30-10:50 a.m.)**

##### **Qualified Immunity and Suits Against Law Enforcement Agencies**

Rep. Leslie Herod, House District 8, Colorado

Rep. Marty Wilde, House District 11, Oregon

**-Break-**

##### **Examining Law Enforcement Training in Oregon (10:55-11:25 a.m.)**

##### **Department of Public Safety Standards and Training (DPSST) Scope of Authority**

Eriks Gabliks, Director, Department of Public Safety Standards and Training

Linsay Hale, Professional Standards Division Director, Department of Public Safety Standards and Training

Additional Presenters to be Determined

##### **Whistleblower Protections Under State and Federal Law (11:25-11:55 a.m.)**

Jessica Santiago, Deputy Legislative Counsel, Office of Legislative Counsel

Christina Stephenson, Attorney, Meyer Stephenson

Ryan Lufkin, Attorney, Public Safety Labor Group

#### **Wrap Up and Adjourn**

***Note change: Presenters added.***

**JOINT COMMITTEE ON TRANSPARENT POLICING AND  
USE OF FORCE REFORM**

July 9, 2020  
10:00 AM

Remote Meeting

**MEMBERS PRESENT:**

|                                  |                              |
|----------------------------------|------------------------------|
| Sen. James Manning Jr., Co-Chair | Rep. Janelle Bynum, Co-Chair |
| Sen. Lew Frederick               | Rep. Alissa Keny-Guyer       |
| Sen. Bill Hansell                | Rep. Akasha Lawrence Spence  |
| Sen. Dallas Heard                | Rep. Rick Lewis              |
| Sen. Floyd Prozanski             |                              |
| Sen. Kathleen Taylor             |                              |
| Sen. Kim Thatcher                |                              |

**MEMBERS EXCUSED:** Rep. Ron Noble

**STAFF PRESENT:** Gillian Fischer, Counsel  
Mike Reiley, Sr. Committee Assistant

**EXHIBITS:** Exhibits from this meeting are available [here](#)

**MEASURES/ISSUES:** Informational Meeting  
Models for Modern Policing  
Economics of Policing: Qualified Immunity and Suits  
Against Law Enforcement Agencies  
Examining Law Enforcement Training in Oregon:  
Department of Public Safety Standards and Training  
(DPSST) Scope of Authority  
Whistleblower Protections Under State and Federal  
Law

*This meeting was held virtually with remote participation only*

**00:00:41** Meeting Called to Order  
**00:00:42** Co-Chair Bynum  
**00:01:10** Gillian Fischer, Counsel  
**00:01:36** ROLL CALL

- 00:06:19**      **Models for Modern Policing - Informational Meeting**  
**00:06:20**      Co-Chair Bynum  
**00:06:40**      Cory Darling, Chief of Police, Sunriver Police Department  
**00:11:55**      Susan Hutson, President, National Association for Civilian Oversight of Law Enforcement (NACOLE; police monitor, City of New Orleans  
**00:17:28**      Chris Skinner, Chief, Eugene Police Department  
**00:23:18**      Rep. Lawrence Spence  
**00:25:28**      Sen. Heard  
**00:28:40**      Co-Chair Manning Jr.
- 00:32:06**      **Economics of Policing: Qualified Immunity and Suits Against Law Enforcement Agencies - Informational Meeting**  
**00:32:08**      Co-Chair Bynum  
**00:32:47**      Rep. Leslie Herod, House District 8, Colorado  
**00:38:20**      Sen. Taylor  
**00:40:13**      Co-Chair Manning Jr.  
**00:42:11**      Sen. Prozanski  
**00:44:20**      Rep. Marty Wilde, House District 11  
**00:53:32**      Rep. Keny-Guyer  
**00:56:14**      Sen. Heard  
**01:01:19**      Rep. Lewis
- 01:04:57**      **Examining Law Enforcement Training in Oregon: Department of Public Safety Standards and Training (DPSST) Scope of Authority - Informational Meeting**  
**01:04:59**      Co-Chair Bynum  
**01:05:24**      Eriks Gabliks, Director, Department of Public Safety Standards and Training  
**01:09:41**      Lindsay Hale, Professional Standards Division Director, Department of Public Safety Standards and Training  
**01:20:11**      Rep. Keny-Guyer  
**01:22:17**      Rep. Lawrence Spence  
**01:25:55**      Sen. Frederick  
**01:28:22**      Co-Chair Manning Jr.  
**01:32:33**      Sen. Taylor
- 01:39:54**      **Whistleblower Protections Under State and Federal Law - Informational Meeting**  
**01:39:55**      Co-Chair Bynum  
**01:40:18**      Jessica Santiago, Deputy Legislative Counsel, Office of Legislative Counsel  
**01:46:27**      Christina Stephenson, civil rights attorney, Meyer Stephenson  
**01:50:46**      Ryan Lufkin, attorney, Public Safety Labor Group  
**01:56:55**      Rep. Lawrence Spence  
**01:59:01**      Sen. Prozanski  
**02:00:38**      Meeting Adjourned

**Archived:** Thursday, September 15, 2022 3:49:49 PM

**From:** [duana.lovesciencemedia.com](mailto:duana.lovesciencemedia.com)

**Sent:** Thu, 15 Sep 2022 22:02:29

**To:** [ORLawEnf Commission](#)

**Subject:** Oregon Commission on Statewide Law Enforcement Standards of Conduct and Discipline

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Hi, and thank you for the opportunity to submit this written testimony registering my thoughts on the Oregon Commission on Statewide Law Enforcement Standards of Conduct and Discipline.

I love it that you're creating standards at all—because before this, to my surprise, we didn't have any. However, there are some draft rules that I'd like you to consider changing.

Like just about everybody, I have been witnessing police misconduct and brutality cases throughout my life—from Rodney King in 1991 to Ruth Whitfield (who was 86 years old and shot to death by police while shopping in a grocery store after she had just completed her daily visit to her husband of 68 years, who is in a nursing home). In fact, since 2015, police officers have fatally shot at least 135 unarmed Black people nationwide.

But those events happened somewhere else—not in Oregon...right? Unfortunately, no. Brutality from police happens here—in Eugene, in Springfield, in the broader State I love.

In reviewing the draft rules, friends and I Googled all of you (it's what people in my generation do). This was an important first step because my religious and spiritual faith calls on me to ask questions such as: who is not at this decision-making table; whose voices are we not hearing; who is without power in this conversation?

The answer seems to be that the voice of law enforcement is the one being heard—not the voices of ordinary people whose lives are actually impacted by police brutality.

It appears that many of you are closely affiliated with law enforcement.

It appears that individuals who have direct experience of police violence or family members of those who have experienced police violence have been omitted from your discussions. It also appears you are missing social workers and therapists—which is a grievous oversight, because these professionals regularly employ de-escalation practices. They also understand the massive mental and physical health impacts of trauma associated with police violence. Why are they not at the table? Lastly, it seems you are missing any plaintiff's attorneys that would represent a person who has been harmed by police violence.

If possible, it seems the committee needs to be reconfigured to consider these important perspectives and reflect them in the rules.

I was also surprised to see that there weren't any Q & A sessions for the public to engage with you all to better understand the draft rules and some of its implications which may have given the commission important insight to consider.

For example, in Springfield, discipline records are not held for longer than 2 years, and I just read that the Lane County Sheriff's Office doesn't document verbal discipline reprimands. Therefore, how will the mitigating factor for "positive employment history" be accurately evaluated?

If the purpose of these rules is to introduce standards, the mitigating factors need to be revised to eliminate opportunity for interpretation which may allow some to avoid accountability. As I'm sure you are all well aware, the mitigating factor allowing for the consideration of "other relevant factors that are present that justify imposing a mitigated sanction" is akin to a get out of jail free card.

Why are the individuals who are enforcing laws above the laws themselves?

Another question I have is how will these rules apply when an officer, like ex-Eugene Police Department officer Christopher Drumm (who stalked and raped a community member), resigns prior to the completion of the investigation into charges of sexual assault? I would like to know if the commission has the authority to revoke DPSST certifications for these such officers. If so, it seems this needs to be part of the new standards.

On a broader level: are the new/proposed standards reasonable enough that reasonable people would agree with them? I don't think so. For instance, I do not believe that reasonable people would find it appropriate for law enforcement to keep their jobs after committing sexual assault, unjustified or excessive use of physical force, or targeting based on protected class, which are all offenses that are actually against the law.

Did you know that sexual assault generates the most citizen complaints about law enforcement after excessive use of force? I was horrified to learn that children are the victims of 40% of sexual assault cases committed by law enforcement. A reasonable person would expect a LEO to be terminated for committing sexual assault, excessive force, and targeting based on protected class. Moreover, in Springfield, the PD has multiple law suits against them for civil rights violations stemming from race which of course is a protected class.

Lastly, it is very telling that the commission didn't consider penalties for LEOs that are associated with hate groups (see Ruth Whitfield's murder in 2022, which I mentioned earlier; her killer was an officer affiliated with a hate group.). The FBI has warned of this phenomenon, and you have the opportunity to do something about it—but so far have done nothing. Again, this decision doesn't meet the reasonable person standard.

If the commission is to live up to their charge to increase public safety and create a culture of accountability for law enforcement, you must strengthen the draft rules. I went to college in the times of zero tolerance policies now enforced in most high schools-- and it's not lost on me that high schoolers are held to higher conduct and discipline standards than Oregon law enforcement. This must change.

Thank you.

Duana Welch,  
Oregonian

**Archived:** Thursday, September 15, 2022 3:52:14 PM

**From:** [Peter Cantone](#)

**Mail received time:** Thu, 15 Sep 2022 22:36:37

**Sent:** Thu, 15 Sep 2022 15:36:31

**To:** [ORLawEnf Commission](#)

**Subject:** Stop police & their accomplices from co-opting a state process to shield more bad cops

**Importance:** Normal

**Sensitivity:** None

---

**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Dear Sirs,

The Oregon state legislature deserves our gratitude and praise for establishing the Commission on Law Enforcement Standards of Conduct and Discipline. The legislature responded to Oregon's weak police accountability mechanisms, among the worst in the nation.

However the Commission is off to a rocky start. According to the ACLU, seven of the 13 voting members are police professionals or in police-adjacent professions. Two are police chiefs, one a sheriff, three are lawyers who represent police unions or police, and one is the executive director of the Oregon prosecutor's association. The Commission should have voting representatives — plural — of families injured police violence and experts on the endemic problem of police committing crimes and police forces shielding them.

Any inclination to give this Commission the benefit of doubt was erased when the Commission issued proposed a set of rules. The proposal is a weak collection of vaguely defined mitigating circumstances; options for retention on the force (or maybe even a pass) for officers who commit racism or discriminatory acts; and silence on the question of membership in extremist groups.

In the spirit of the Police Reform Commission we need new **strong disciplinary action /rules** protecting the citizens of Oregon from Police abuse. The commissions currently proposed rules are not that!

**Some mitigating circumstances are loopholes:**

Under the proposed rules, the Commission can issue nothing more than a written reprimand if it finds any of these — or other — mitigating circumstances:

- “(n) Extraordinary circumstances or hardships that may be relevant.
- (o) The lack of training or experience that is germane to the incident.
- (p) Other relevant factors are present that justify imposing a mitigated sanction.”

These three especially are so ill-defined that it's hard to imagine how they could provide guidance for anything but an exit ramp.

**Police committing racist, discriminatory crimes can stay on the force:**

Another loophole is in the section on “Crimes 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 (OAR 265-010-0020). The least disciplinary action is demotion. However, here's the loophole:

- (2) It is not misconduct under this rule if the law enforcement officer is acting on a suspect description or information related to an identified or suspected violation of a provision of law.



Why would it be all right to commit a racist or otherwise discriminatory action when acting on a tip? At this point the proposed rules start to sound like a re-write of qualified immunity and not a strategy for using accountability to reform our police departments.

**Police can belong to racist, anti-gay, anti-government groups:**

Last but not least, the rules have no disciplinary actions for joining groups that espouse white supremacy, attacks on individuals from marginalized groups, violent overthrow of the government or attacks on government officials. Membership in groups like these should result in termination, with no mitigating circumstances and no lighter disciplinary options.

Honestly, the Commission membership needs to be re-structured. If the Commission cannot legally be reconstituted, the current Commission needs to show good faith by re-writing these rules. I urge clear, operationally defined standards by which the Commission's decisions can be easily measured. All fuzzy mitigating circumstances that like the ones cited above must go, along with any others that would encourage giving protection to police who commit crimes. As we have done for so long. Also, the rules should prohibit membership to terrorist, anti-democratic hate gross.

Oregon received a D+ from the Institute for Justice for its accountability rules. These proposed rules deserve a D+ too.

We want strong disciplinary rules that include “ for racist, and hate charges, and without question, evidence of ANY involvement with White Nationalists, Hate groups, domestic terrorist groups like the Proud boys should result in dismissal from the force and prevention from joining any other police force in the State.

*Peter Cantone*

[petercantone30@gmail.com](mailto:petercantone30@gmail.com)

Help Save our Democracy at these links:

<https://linktr.ee/pcant>

**Archived:** Friday, September 16, 2022 8:03:56 AM

**From:** [Sarah Becker](#)

**Mail received time:** Fri, 16 Sep 2022 00:37:03

**Sent:** Thu, 15 Sep 2022 20:36:48

**To:** [ORLawEnf Commission](#)

**Subject:** Proposed Standards for Police Accountability

**Importance:** Normal

**Sensitivity:** None

---

**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Good afternoon Co-Chairs Henson  
and Slauson, Director Boss, and Members of the Commission,

My name is Sarah Becker and I am  
volunteering with Showing Up for Racial Justice in solidarity with ACLU Oregon to implore you to reject the standards  
for police accountability up for adoption on September 21, 2022.

The proposed law enforcement standards  
on conduct and discipline fall far short of addressing the harms of policing cast into sharp relief by the murders of  
George Floyd, Breonna Taylor, and many others. Stronger accountability measures are necessary to address the  
serious harm caused by police  
officers impervious to consequences. The rules proposed would allow as little as a written reprimand for sexual  
assault and lethal excessive force, and NO consequences for membership in a hate organization, such as the Oath  
Keepers. The rules allow such  
a large list of "mitigating factors" that all of the standards become unenforceable. When the nation took to the streets in  
2020 demanding justice, we were seeking actual accountability in our criminal legal system, and an end to police  
violence, but have  
seen only increased investments in policing and now these inadequate accountability standards that police unions will  
easily get around.

Instead of these meek measures,  
police officers who commit serious crimes or do serious harm to community members should be fired and lose their  
pensions. Police agencies should be prohibited from hiring anyone with a membership in an organization committed to  
undermining our democracy  
or seeking white supremacy, and current employees must disavow any previous memberships, at minimum, or lose  
their jobs.

**I urge you to vote "No",**  
appoint new members who are willing to impose more serious standards that would address these most  
serious harms from police, and return to the drawing board to complete your task taking into account this feedback.

*Sarah Becker*

**From:** [COLLEEN HUNTER](#)  
**Mail received time:** Fri, 16 Sep 2022 01:11:35  
**Sent:** Thu, 15 Sep 2022 18:11:25  
**To:** [ORLawEnf Commission](#)  
**Subject:** Higher standards in policing  
**Importance:** Normal  
**Sensitivity:** None  
**Archived:** Friday, September 16, 2022 8:08:08 AM

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\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\*

Dear Commission Members,

I would like my feelings to be heard regarding the standards for police officers in the state of Oregon. I feel very strongly that “no one is above the law” and that goes for police officers as well.

**From:** [COLLEEN HUNTER](#)

**Mail received time:** Fri, 16 Sep 2022 01:33:21

**Sent:** Thu, 15 Sep 2022 18:33:15

**To:** [ORLawEnf Commission](#)

**Subject:** Higher Standards for law enforcement personnel- 2nd and complete draft

**Importance:** Normal

**Sensitivity:** None

**Archived:** Friday, September 16, 2022 8:08:44 AM

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\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\*

Dear Commission Members,

I would like my feelings to be heard regarding the standards for police officers in the state of Oregon. I feel very strongly that “no one is above the law” and that goes for police officers, as well. The people who are enforcing laws in our state, shouldn’t be able to commit crimes such as sexual assault or abuse and not be held to the same standards as all other Oregonians. In my opinion, they should be held accountable for their actions and not given leniency, as is now the case. As a retired public school teacher, I am very aware of the expectations for people working in public service: ie, not espousing any “hate group” philosophies, modeling bigotry or racism, etc. It seems that people working in law enforcement in Oregon are able to actively participate in white supremacist groups. I would appreciate your careful consideration regarding this matter.

Sincerely,  
Colleen K. Hunter  
**Redacted**

**Archived:** Friday, September 16, 2022 8:11:40 AM

**From:** [J ALEXANDER](#)

**Mail received time:** Fri, 16 Sep 2022 04:52:32

**Sent:** Thu, 15 Sep 2022 21:52:16

**To:** [ORLawEnf Commission](#)

**Subject:** Comment on Police Discipline Standards

**Importance:** Normal

**Sensitivity:** None

---

**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

I am a citizen of Lane County who believes in a culture of caring, not of fear.

When officers of the law commit an injustice, perhaps based upon their own fear of stereotypical "bad guys", there needs to be justice for the victim and restitution and, if relevant, rehabilitation for the officer.

I am particularly concerned that state police officers are allowed to join hate groups.

The composition of the commission is also weighted too heavily with persons whose roles are in sync with fear-based police culture.

I support more stringent disciplinary consequences in these standards.

Respectfully,

Joanna Alexander

Eugene, Lane County

**Archived:** Friday, September 16, 2022 8:15:02 AM

**From:** [Barbara Isaacman](#)

**Mail received time:** Fri, 16 Sep 2022 05:15:49

**Sent:** Fri, 16 Sep 2022 00:15:40

**To:** [ORLawEnf Commission](#)

**Subject:** Public Comments on Commission's proposed police accountability standards

**Importance:** Normal

**Sensitivity:** None

**Attachments:**

[Doc2.pdf](#);

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**\*CAUTION EXTERNAL EMAIL\*** This email originated from outside of DOJ. Treat attachments and links with caution. **\*CAUTION EXTERNAL EMAIL\***

September 16, 2022

Dear Sir or Madam:

I am writing to demand that the “Commission on Law Enforcement Standards of Conduct and Discipline” established to create conduct and discipline for police officers across Oregon be disbanded and that a new Commission be formed with representatives from all stakeholder groups. As a retired criminal defense attorney, I am shocked at this Commission’s membership and its proposals, which completely undermine what the law’s drafters intended.

A law passed by Oregon lawmakers in 2021 requires the state to create conduct and discipline standards for police officers across Oregon. As required by statute, a Commission was formed to create these police standards.

The 13 voting members on this Commission include two police chiefs, a sheriff, three lawyers who represent police unions or the police, and the executive director of the Oregon prosecutor’s association. This Commission in no way represents the interests of Oregonians. Nor does it create the accountability the statute’s drafters intended. Instead, it is being used to shield bad police officers from accountability.

Some of the standards proposed by this biased Commission are laughable:

- The penalty for committing a sexual assault can be as low as a written reprimand
- The penalty for injuring or killing someone with unjustified or excessive physical force can be as low as a written reprimand
- The penalty for engaging in racism or discrimination is not the loss of employment and can be as low as a suspension, salary reduction, or demotion
- There is no penalty for joining a hate group, like the Oath Keepers, which played a central role in the Jan. 6 attack on the US Capitol.

Police officers who are involved in any of the above behavior should, instead, be fired. Without such accountability, there is no way the police can effectively serve Oregon communities and earn the trust of residents, which is critical to effective policing.

The only sensible course forward requires disbanding this Commission and populating a new Commission with representatives of the communities served by the police.

Thank you for your consideration.

Barbara Isaacman  
Portland, Oregon

**Archived:** Friday, September 16, 2022 11:16:09 AM

**From:** [Carol Scherer](#)

**Mail received time:** Fri, 16 Sep 2022 14:33:57

**Sent:** Fri, 16 Sep 2022 07:33:42

**To:** [ORLawEnf Commission](#)

**Subject:** Please Vote NO

**Importance:** Normal

**Sensitivity:** None

---

**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

The Commission on Law Enforcement Standards of Conduct and Discipline proposed standards do not keep police responsible.

The major flaw in Oregon's current system is the shielding of police by allowing evasion of responsibility for actions because of qualified immunity.

Colorado passed Measure 217, Law Enforcement Integrity and Accountability Act, leading the nation to hold police accountable, by ending qualified immunity at the state level. The path is set for Oregon to easily follow.

Colorado Representative Leslie Herod, Colorado House District 8, testified July 9, 2020 before a Joint Oregon Legislature work session on Transparent Policing and Use of Force Reform. Representative Herod relates that the measure passed overwhelmingly in the State legislature with strong bi-partisan support. It contains sweeping comprehensive and important reforms formulated with input and leadership from sheriffs and chiefs across Colorado. Please listen to her testimony and consider implementing measures akin to the Colorado Measure 217. Thank you.

[https://olis.oregonlegislature.gov/liz/mediaplayer?clientID=4879615486&eventID=2020071021&startStreamAt=1926&fbclid=IwAR1IKTMwEn8UOb5v-f7lxOreHyDIpY6\\_dHsDKuTpEr](https://olis.oregonlegislature.gov/liz/mediaplayer?clientID=4879615486&eventID=2020071021&startStreamAt=1926&fbclid=IwAR1IKTMwEn8UOb5v-f7lxOreHyDIpY6_dHsDKuTpEr)

Respectfully,

Carol Scherer

**Redacted**

[Waltzn123@gmail.com](mailto:Waltzn123@gmail.com)



 **Oregon State Legislature** MENU



Joint Committee On Transparent Policing and Use of Force Reform 2020-07-09 10:00 AM Download Audio

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## 2019-2020 Interim

### Joint Committee On Transparent Policing and Use of Force Reform (/liz/201911/Committees/JTPUFR/Overview)

7/9/2020 10:00 AM (/liz/201911/Committees/JTPUFR/2020-07-09-10-00), Remote Meeting

**Please Note: The Capitol Building is currently closed to the public and meetings are taking place remotely.**

**Go to <https://olis.oregonlegislature.gov/liz/201911/Committees/JTPUFR/Overview> to access a live stream of this meeting. Locate the meeting date and click on the camera icon at the designated time. A viewing station will also be available outside on the front steps of the Capitol Building.**

#### Informational Meeting

*Invited testimony only*

##### **Models for Modern Policing (10:00-10:30 a.m.)**

##### **Best Practices for Recruiting, Hiring, and Maintaining Wellness of Officers**

Cory Darling, Chief of Police, Sunriver Police Department

##### **Community Policing Models**

Susan Hutson, President, National Association for Civilian Oversight of Law Enforcement (NACOLE)

##### **Law Enforcement Partnerships with Mental Health Teams**

Chris Skinner, Chief, Eugene Police Department

Additional Presenters to be Determined

##### **Economics of Policing: Part 1 (10:30-10:50 a.m.)**

##### **Qualified Immunity and Suits Against Law Enforcement Agencies**

Rep. Leslie Herod, House District 8, Colorado

Rep. Marty Wilde, House District 11, Oregon

**-Break-**

##### **Examining Law Enforcement Training in Oregon (10:55-11:25 a.m.)**

##### **Department of Public Safety Standards and Training (DPSST) Scope of Authority**

Eriks Gabliks, Director, Department of Public Safety Standards and Training

Linsay Hale, Professional Standards Division Director, Department of Public Safety Standards and Training

Additional Presenters to be Determined

##### **Whistleblower Protections Under State and Federal Law (11:25-11:55 a.m.)**

Jessica Santiago, Deputy Legislative Counsel, Office of Legislative Counsel

Christina Stephenson, Attorney, Meyer Stephenson

Ryan Lufkin, Attorney, Public Safety Labor Group

#### **Wrap Up and Adjourn**

***Note change: Presenters added.***

**JOINT COMMITTEE ON TRANSPARENT POLICING AND  
USE OF FORCE REFORM**

July 9, 2020  
10:00 AM

Remote Meeting

**MEMBERS PRESENT:**

|                                  |                              |
|----------------------------------|------------------------------|
| Sen. James Manning Jr., Co-Chair | Rep. Janelle Bynum, Co-Chair |
| Sen. Lew Frederick               | Rep. Alissa Keny-Guyer       |
| Sen. Bill Hansell                | Rep. Akasha Lawrence Spence  |
| Sen. Dallas Heard                | Rep. Rick Lewis              |
| Sen. Floyd Prozanski             |                              |
| Sen. Kathleen Taylor             |                              |
| Sen. Kim Thatcher                |                              |

**MEMBERS EXCUSED:** Rep. Ron Noble

**STAFF PRESENT:** Gillian Fischer, Counsel  
Mike Reiley, Sr. Committee Assistant

**EXHIBITS:** Exhibits from this meeting are available [here](#)

**MEASURES/ISSUES:** Informational Meeting  
Models for Modern Policing  
Economics of Policing: Qualified Immunity and Suits  
Against Law Enforcement Agencies  
Examining Law Enforcement Training in Oregon:  
Department of Public Safety Standards and Training  
(DPSST) Scope of Authority  
Whistleblower Protections Under State and Federal  
Law

*This meeting was held virtually with remote participation only*

**00:00:41** Meeting Called to Order  
**00:00:42** Co-Chair Bynum  
**00:01:10** Gillian Fischer, Counsel  
**00:01:36** ROLL CALL

- 00:06:19**      **Models for Modern Policing - Informational Meeting**  
**00:06:20**      Co-Chair Bynum  
**00:06:40**      Cory Darling, Chief of Police, Sunriver Police Department  
**00:11:55**      Susan Hutson, President, National Association for Civilian Oversight of Law Enforcement (NACOLE; police monitor, City of New Orleans  
**00:17:28**      Chris Skinner, Chief, Eugene Police Department  
**00:23:18**      Rep. Lawrence Spence  
**00:25:28**      Sen. Heard  
**00:28:40**      Co-Chair Manning Jr.
- 00:32:06**      **Economics of Policing: Qualified Immunity and Suits Against Law Enforcement Agencies - Informational Meeting**  
**00:32:08**      Co-Chair Bynum  
**00:32:47**      Rep. Leslie Herod, House District 8, Colorado  
**00:38:20**      Sen. Taylor  
**00:40:13**      Co-Chair Manning Jr.  
**00:42:11**      Sen. Prozanski  
**00:44:20**      Rep. Marty Wilde, House District 11  
**00:53:32**      Rep. Keny-Guyer  
**00:56:14**      Sen. Heard  
**01:01:19**      Rep. Lewis
- 01:04:57**      **Examining Law Enforcement Training in Oregon: Department of Public Safety Standards and Training (DPSST) Scope of Authority - Informational Meeting**  
**01:04:59**      Co-Chair Bynum  
**01:05:24**      Eriks Gabliks, Director, Department of Public Safety Standards and Training  
**01:09:41**      Lindsay Hale, Professional Standards Division Director, Department of Public Safety Standards and Training  
**01:20:11**      Rep. Keny-Guyer  
**01:22:17**      Rep. Lawrence Spence  
**01:25:55**      Sen. Frederick  
**01:28:22**      Co-Chair Manning Jr.  
**01:32:33**      Sen. Taylor
- 01:39:54**      **Whistleblower Protections Under State and Federal Law - Informational Meeting**  
**01:39:55**      Co-Chair Bynum  
**01:40:18**      Jessica Santiago, Deputy Legislative Counsel, Office of Legislative Counsel  
**01:46:27**      Christina Stephenson, civil rights attorney, Meyer Stephenson  
**01:50:46**      Ryan Lufkin, attorney, Public Safety Labor Group  
**01:56:55**      Rep. Lawrence Spence  
**01:59:01**      Sen. Prozanski  
**02:00:38**      Meeting Adjourned

**Archived:** Friday, September 16, 2022 12:43:23 PM

**From:** [Gretchen & Saro](#)

**Mail received time:** Fri, 16 Sep 2022 19:14:58

**Sent:** Fri, 16 Sep 2022 12:14:37

**To:** [ORLawEnf Commission](#)

**Subject:** Statewide Policing Standards proposal Comment

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

My name is Gretchen Miller. I live in Eugene, as I have for more than fifty years, and care a lot about my community. Thank you for your work on this commission and your efforts on this difficult and critical issue. And thank you for the opportunity to comment. I was an attorney for about 40 years, a law professor, and an administrative law judge. I taught criminal procedure and legislative and administrative processes, inter alia, which I tell you to give some background for my comments.

I am disappointed in these proposed standards. I have several concerns. For one thing, the mitigation factors look to me as if they could easily negate much of the effect of the standards. It is not at all clear how to apply them. One or more of the mitigating factors is likely to be present in just about any case. For example, if an officer commits sexual assault, perhaps with the defense that it was consensual although the victim was (maybe just a little) underage, or the victim was sexually experienced, or it was just a little sexual assault not really full-on rape, should the result be less than discharge, or at least a significantly long suspension without pay and demotion, retraining, and extra supervision? If mitigating factors such as: limited or no property damage, the officer is remorseful and promises never to do it again, it didn't happen very many times, and basically he's a good egg are present, should the punishment be mitigated down to a harsh talking-to, participating in sexual harassment training on paid time, and a written reprimand? I hope not.

Will the standards be, in effect, presumptively applied downward? That would be in line with the trends in police self-discipline that I have seen over the years. Much more clarity is required here. The mitigation down to a written reprimand should rarely be applied, if indeed it is ever appropriate. Once the misconduct has been established (and that is generally hard enough), there should be some discipline with teeth. A reprimand that is wiped off someone's personnel record in a matter of months is not discipline with teeth.

Addressing how many factors, and in what combination, to look for in mitigation or in aggravation, in what circumstances, is difficult but entirely possible. If we stick with the Anglo-case law system here, with vague rules to be developed case by case in adjudications, we will be little better off than we are now. Multiple jurisdictions will develop their own sets of case law and precedents, with predictably unsatisfactory results.

I am also concerned that the commission decided not to address membership in hate groups and groups dedicated to overthrowing the government. I recognize that is tricky ground in regard to freedom of association. Such a rule could be misused (as could many of the rules proposed and other laws which have been enacted). I am aware that our country has a questionable history of policing members of disfavored group (the Red Hunts of the early to mid 20th century for example). We want to be careful. But it is entirely possible to require that public safety officers not join and support groups which specify that the purpose of the group is to harm and diminish specific racial or religious communities; i.e., white supremacist, anti-Semitic, anti-Muslim, anti-LGBQ groups, and so on. We should be able to trust our public safety officers to treat all people equally and

equitably, which is directly contradicted by allegiance to a hate group. Allegiance to a group which wants to overthrow our form of government also should not be encouraged. The officers are sworn to uphold the government. There are sufficient examples now of rules like I am proposing, so drafting such a rule is quite possible.

I do not want to wear out my welcome, or have you flip to the next comment, so I will stop with the general observation that we need rules that consider the victim at least as much as the perpetrator. I believe these rules are seriously tilted toward the officer.

Thank you for your attention,

Gretchen Miller

Lynne Lockhart, Eugene/River Road resident

**From:** [Rev. Jen Youngsun Ryu](#)  
**To:** [ORLawEnf Commission](#)  
**Subject:** Public Comment to Commission Rules Coordinator  
**Date:** Friday, September 16, 2022 12:34:28 PM

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Dear Commission Members,

Thank you for reading these comments. I appreciate how challenging and overwhelming this work must be.

I am a resident of Eugene where I pastor a local congregation. I am also the spouse of a police officer who retired after serving 25 years.

My request is that you consider requiring that the "Disciplining Body" cannot be a law enforcement agency or any body that includes law enforcement personnel.

Given our nation's history of police violence, lack of transparency, and a police culture of silence and self-protection, it is not possible for the police to police themselves.

If we want to move toward a culture of accountability, these proposed rules must include enforcement by a civilian or community oversight board.

The list of mitigating factors is so broad they offer minimal protections for citizens (especially ones at most risk-- those with mental & physical disability, black, brown, and transgender people).

Leaving these decisions to "a law enforcement agency" as described in the Definitions, will not lead to any significant changes.

As these rules stand today, they do not move boldly enough in the direction of changing from a culture of power to one of accountability. Others have made specific requests that I support about tightening up these mitigating factors and adding rules about behaviors involving white supremacy groups.

Thank you for your thoughtful consideration in this matter and for your dedicated service.

Yours very truly,  
Reverend Jen Youngsun Ryu

**Archived:** Friday, September 16, 2022 2:08:14 PM

**From:** [Lena Houston](#) [Lena Houston](#)

**Mail received time:** Fri, 16 Sep 2022 20:11:19

**Sent:** Fri, 16 Sep 2022 13:11:04

**To:** [ORLawEnf Commission](#)

**Cc:** [Lena Houston](#) [Lena Houston](#)

**Subject:** Public Comment re Law Enforcement Conduct Standards

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Oregon

Commission of Law Enforcement Standards of Conduct and Discipline

Re:

Proposed Standards/ HB2930

Dear

Commissioners,

I am disappointed and alarmed that the Commission chose not to address consequences for law enforcement officers who are members of or who participate in hate groups. Hate and bias crimes are on the rise in Oregon and reports have increased according to Oregon DOJ statistics.

Oregon has been identified as having at least 10 active hate groups according to the Southern Poverty Law Center. Additionally, dozens of Oregon law enforcement officers were identified as being associated with the Oath Keepers according to a recent OPB report.

Indictments and convictions from the January 6th insurrection are also revealing alleged participation of current and past law enforcement officers and military members in the attack on our capitol.

The Commission's silence can be interpreted as complicity or even implicit acceptance and tolerance of hate/biased based behaviors. Not addressing law enforcement officer involvement with hate groups, especially domestic militia extremist groups, violates the public trust. It also leads me to question if any of the proposed standards would be enforced. The rise in violence associated with white supremacy, misogyny, anti-LGBTQ, anti-immigrant, anti-government and general hate groups should be a concern for all of us. Intimidation, threats and hate activity based on perceived political ideology is also a growing problem that deserves attention.

Hate and bias have no place in law enforcement or our judicial system and need to be identified and effectively addressed, up to termination. I would like to see inclusion of hate and bias screening of social media and public comments as part of determining an officer's moral character and fitness for duty. Participation

in hate groups or insurrections should be a disqualifier for any public employment. I shudder to think of counties populated with Constitutional Sheriffs, Oath Keepers, 3 Percenters and Patriot Front posses.

Law enforcement officers are entrusted with guns, badges and authority that enable them to arrest and use deadly force against members of the public. This is a great responsibility.



Maintaining public trust requires ensuring an accountable, fair and just disciplinary process that enforces a higher standard of conduct

for law enforcement officers.

Unquestioned qualified immunity and an unwillingness to address infiltration of hate and bias in our law enforcement and justice system perpetuates mistrust and fails to address the systemic issues in our system. All of our law enforcement officers deserve to work in a supportive, fair environment, not a system that protects

those who cause harm. Our communities deserve to have trust that those enforcing our laws will be held accountable.

I appreciate the Commission's work and I hope you hear the public's concerns. I ask you to do better for all Oregonians, including our law enforcement officers.

Thank you again for your service.

Oregon  
resident,  
Lena  
Houston-Davisson

PS I attended the Public Comment session on 9/14/2022 and was dismayed to see so few Commissioners present. Perhaps a few evening sessions would enable more of the public, as well as commissioners, to attend. I appreciate the ability to listen to the other commenters. I have concerns about the make-up of the commission,

apparent lack of meaningful public engagement and explanation of the proposed standards, and lack of clear enforcement authority and transparency of discipline outcomes. I will be addressing this with my legislators and will be urging rejection of the proposed standards as they stand and ask for more time to get this right.

LHD

**From:** [Roy Ward](#)

**Mail received time:** Fri, 16 Sep 2022 20:13:52

**Sent:** Fri, 16 Sep 2022 13:13:45

**To:** [ORLawEnf Commission](#)

**Subject:** Comment on Statewide Law Enforcement Standards of Conduct and Discipline

**Importance:** Normal

**Sensitivity:** None

**Archived:** Friday, September 16, 2022 2:18:48 PM

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\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\*

Dear Commission on Statewide Law Enforcement Standards of Conduct and Discipline

I am an Oregon resident who immigrated to the USA several years ago.

I strongly support robust and adequate state-wide law enforcement standards for conduct and discipline. However, what has been proposed falls far short of being robust and adequate and need to be considerably strengthened to be useful or effective.

The police are the public face of the law, and while at times their job may be difficult, they should be held to a higher standard than the general public and be seen to be doing so, not a much lower one as this draft would propose.

For instance, in any job that I've ever done, sexual assault in the course of my employment (and probably outside it too) would have resulted in immediate termination (regardless of "mitigating factors") and probably criminal and/or civil consequences.

The mitigating factors are hopelessly broad, and many of them should be removed:

\* "Positive employment history" and "No repeated or other sustained misconduct" means very little when under the current paradigm much police misconduct doesn't even get as much as a reprimand.

\* "Potential for rehabilitation" is true of just about anyone and should not be an excuse to evade consequences.

\* "Limited impact upon the agency's mission, reputation, or relationship with the community" absolutely does not belong on a list of mitigating factors as it does not serve or protect the public in any way, and suggests that adequate consequences only happen when the misdeed is too well known to get away with. Such a low standard is what is (unfortunately) expected of a corporation that exists to profit their shareholders at all costs, not an organization that has the role of serving and protecting the public.

\* "The lack of training or experience that is germane to the incident" is not a mitigation. When this happens, it is an indictment of the training provided, which should at an absolute minimum train officers not to cause harm except when absolutely necessary.

Another disturbing feature of this draft is that there is no sanction for belonging to extremist groups such as the "Oath Keepers" that espouse intimidation and violence. Part of the role of the police is to protect the public against such groups, and indeed police often encounter protests by people opposing such groups. This is a conflict of interest that should not be allowed, or at the very least should seriously proscribe the roles allowed for members of such groups.

The country that I originally come from, Aotearoa New Zealand, has only a single police force and they usually don't carry guns, so they don't have the all of the structural or operational issues that face police here. However, that should have little bearing on the required code of conduct of officers, and they have a much better baseline:  
<https://www.police.govt.nz/sites/default/files/publications/ourcode.pdf>

Please strengthen these standards so that they help serve and protect both the police and the public.

Thank you for the opportunity to comment.

Sincerely,

Roy Ward  
Eugene, OR.



# ***Code of Conduct***

*Ngā Tikanga Whakahaere*



Helping us live our values every day so we earn the trust and confidence of everyone in New Zealand.

*Hei āwhina i a tātou kia ū ki ō tātou uara ia rā, ia rā,  
kia nui te whakapono, te whakawhirinaki mai o ngā  
tāngata katoa o Aotearoa.*

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## Commissioner's Comment

### He kōrero tuatahi

As employees of New Zealand Police we are individually and collectively responsible for how we conduct ourselves.

New Zealand Police's reputation is vital in achieving Our Business. With social media we are scrutinised more than ever as an organisation and as individuals. How we go about policing is as important as the outcomes we achieve.

As Commissioner, the priorities I have introduced enable us to build on the high levels of trust and confidence New Zealanders have in Police. The community rightly holds us to high standards of behaviour in both our work and our private lives. As employees of New Zealand Police, we must be mindful of our behaviour at all times. Whether we are working or not, we represent the organisation.

I recognise that no Code can detail every behaviour expected of us. However, our Code of Conduct is a guiding document that sets out common standards of behaviour for all of us. It guides our judgement, choices and actions, whatever role we have here at Police. It guides me as the Commissioner, our leaders and you.

**Our Code asks us to consciously exhibit behaviour which is aligned to Our Values:**

- ▶ Professionalism
- ▶ Respect
- ▶ Integrity
- ▶ Commitment to Māori & the Treaty
- ▶ Empathy
- ▶ Valuing Diversity

The context we operate within requires us all to bring humanity, empathy, cultural awareness and understanding along with integrity to all our interactions within our communities and each other.

New Zealand Police plays a significant role in New Zealand society. I am humbled to work with people every day who are committed to the high standards of conduct we expect from each other. We are all leaders in how we conduct ourselves so as an organisation our reputation in the community reflects our values and the public's trust and confidence in us is enhanced.

**Andrew Coster**  
**Commissioner of Police**

# Introduction

## Kupu Whakataki

As representatives of New Zealand Police, how we behave is important. By choosing to work at this organisation, we are choosing to uphold the principles and intent of this Code and the underpinning values of Police.

We cannot underestimate the significance of living our values and role modelling our Code in our vision to make New Zealand the safest country. Just like the communities we serve, we want our people to be safe, especially at work.

### Who does it apply to and when?

#### Ka pā tēnei ki a wai, āhea hoki?

This Code applies to anyone who is employed or engaged by New Zealand Police, regardless of the position or rank held. This includes employees who are permanent, temporary or casual, contractors and consultants, volunteers, staff from other agencies we partner with and any other groups or individuals we have advised this Code applies to. This Code also applies to what we do outside of working hours where our actions may bring Police into disrepute or may damage trust and confidence Police as our employer has in us.

### How can we be sure that our conduct complies with the code and policies?

#### Me pēhea tātou e mōhio ai, e ū ana ā tātou mahi ki ngā tikanga me ngā kaupapa here?

The Code provides general guidance and minimum expectations of the behaviour Police expects from us. No code or policy can cover every situation, so we need to consider our values, apply our common sense, act with self-respect, and consider the reputation of Police in our decision making.

### If in doubt, it may help to consider the Self Check questions:

|                                         |                                                                                                                                         |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Would it withstand<br><b>Scrutiny</b>   | <ul style="list-style-type: none"><li>▶ Community</li><li>▶ Police service</li><li>▶ Media and online</li></ul>                         |
| Is it in line with our<br><b>Ethics</b> | <ul style="list-style-type: none"><li>▶ Our Code</li><li>▶ Our Values</li><li>▶ High performing culture</li></ul>                       |
| Is the decision<br><b>Lawful</b>        | <ul style="list-style-type: none"><li>▶ Laws</li><li>▶ Regulations</li><li>▶ Policies and guidelines</li></ul>                          |
| Is the decision<br><b>Fair to all</b>   | <ul style="list-style-type: none"><li>▶ Community</li><li>▶ Colleagues and whānau</li><li>▶ People's individual circumstances</li></ul> |

You can find more information about the Police [Self-Check](#) here

If you are at all uncertain of what is expected as an employee of Police, you should speak to your manager for clarification. Your Human Resources Advisor will also answer any questions you have about the code.



## We have high standards

### He pai rewa ā tātou

We aspire to have the trust and confidence of all, by living our values. We pride ourselves in being one of the most trusted Police services in the world. By being consistently honest and ethical, and applying SELF to our behaviour and decision making, we help bring our vision and values to life.

#### Our reputation

##### Tō tātou ingoa pai

We act professionally, exercise good judgement and are accountable for our behaviour. We must not do anything that may bring Police into disrepute. We consider the impact of our behaviour on Police at all times, including online or in social media, and outside of work. We protect Police's integrity and reputation by speaking up about any inappropriate behaviour we see and hear. By addressing inappropriate behaviour either directly or through managers, we make Police a safer and healthy workplace.

#### Our influence and conflicts of interest

##### Ō tātou kawē whakaaro, me ngā pānga rongorua

A conflict of interest is a situation where our personal or professional interests may conflict with our position, obligations or responsibilities as a Police employee. Sometimes the appearance or perception of such a conflict of interest can be just as damaging as an actual conflict.

We must not act in a way that uses our influence, role or position to personal advantage or to the advantage of others we are associated with. This includes ensuring we access information through Police systems for legitimate work purposes only. It also includes never entering into a sexual or intimate relationship with someone we have met in a professional capacity if an imbalance of power exists or if that person is vulnerable. Further information on professional boundaries can be found [here](#).

Instead, we raise potential conflicts of interest with our manager. By being open and honest as soon as we see a potential conflict of interest, we can be supported to ensure it doesn't become a problem.



# We protect our people, our information, & our resources

## Tiakina tātou i ā tātou tāngata, ā tātou pārongo, ā tātou rauemi

### Our safety

#### Tō tātou haumarū

The work we do can be inherently risky. Regardless of our role, we all have responsibility for promoting and maintaining a safe working environment. This includes ensuring we are fit and not impaired (for example by alcohol or other drugs) to safely perform our roles. We keep ourselves, each other and the public safe, by appropriately managing and reporting any safety issues as soon as we are aware of them.

### Our information

#### Ā tātou pārongo

Given the nature of our organisation and information systems, we have access to confidential, sensitive and personal information. As Police we are trusted by those we serve to be exemplary in our dealings with this information. We need to consistently practice good judgement and integrity when creating, accessing, modifying and using, securing and disclosing all information. We always need to handle information appropriately, for legitimate work purposes and in line with the law, our policies, processes and systems.

When we are unsure whether information is confidential or sensitive or how it should be handled, we seek advice from our manager.

### Our resources

#### Ā tātou rauemi

We have an obligation to properly manage and use resources appropriately and in a way that ensures our working environment is safe. We take care of the equipment, tools and resources provided to us (including making sure they are fit for use by others) and make sure we use them appropriately, safely and for the designated purpose. This also includes Police systems and technology.





## We do right by others

## Ka tika rā ā tātou mahi ki ngā tangata

The purpose of New Zealand Police is to ensure everybody can be safe and feel safe. This means we do not tolerate or accept behaviour, by either the public or our colleagues, that breaks laws or compromises safety.

### Our diversity

#### Tō tātou kanorau

Police is strengthened by diversity. Our differences equip us to be more effective in our approach to policing across a wide range of communities. We are committed to having a diverse workforce that is inclusive and respectful of each other's differences.

This means we treat all people respectfully, with empathy and dignity. We do so whether they are members of the public, colleagues, victims or offenders and regardless of the circumstances.

### Our acceptance of others

#### Tō tātou whakaae ki ētahi atu

We ensure a healthy work environment that does not tolerate discrimination, harassment, bullying, victimisation or any other unacceptable or offensive behaviour. There is no place in Police for racial or sexual harassment, or discrimination against anyone for any reason including gender, marital status, religious belief, ethical belief, colour, race, ethnicity, nationality, disability, age, political opinion, employment status, family status, or sexual orientation.

We are all responsible for ensuring this type of behaviour does not occur. Our policy, processes and further information about how you can play your part in ensuring we achieve healthy work places free from unacceptable behaviour can be found [here](#).

### Our history

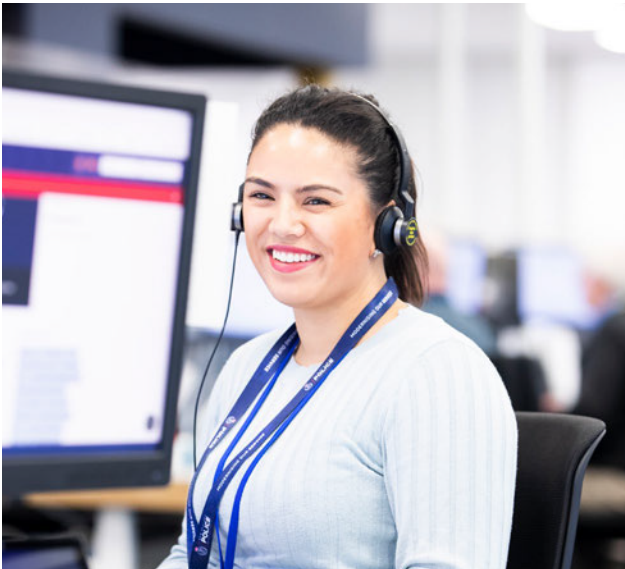
#### Ō tātou kōrero tuku iho

We wear or identify with the New Zealand Coat of Arms which recognises the special relationship with Iwi. In line with our value of Commitment to Māori and the Treaty we recognise and seek to understand our history and to be responsive to Iwi specifically as tangata whenua.

# We are responsible

## He haepapa tātou

When we choose to work at Police we choose to be responsible for consistently demonstrating our values, working in a manner consistent with this Code, our Police policies and employment agreement and seeking help when we are unsure. This is required of us all.



### What will happen if you breach the code? Ka aha mēnā ka whati koe te tikanga?

If your behaviour or decisions fall short of the required standard set out in this Code, your employment agreement and Police policies, we will talk with you and determine the circumstances and actions that have led to the situation.

If you have any concerns about your own behaviour, you are expected to discuss those concerns with your manager.

If you are the subject of any of the matters detailed below you must notify your manager as soon as possible.

- ▶ Any charge/s you are to face in court
- ▶ Becoming a respondent of a protection order
- ▶ Any infringement for driving with an excess breath or blood alcohol concentration, or other drug-impaired driving
- ▶ Any suspension of your driver's licence
- ▶ Any speeding notice at a speed in excess of 40km/hr above the limit
- ▶ Any charge or infringement that could lead to suspension or partial suspension of your driver's licence

Failure to notify your manager of any of these incidents may result in disciplinary action.

Your manager will advise the District Police Professional Conduct Manager or if you work at a Police Service Centre, the Police Professional Conduct Group at PNHQ. Consideration will then be given to what action will be taken.

Police has a disciplinary policy which outlines the process which is followed.

If you are found to have breached our Code of Conduct you may face disciplinary action which could include termination of your employment. Consideration will also be given to how any harm caused by your breach of the Code can be restored. Where harm is so significant and serious that it is unable to be restored then your employment may be terminated. That is, any final outcomes will depend on the seriousness of the situation.

Good employer principles and processes, and good faith will be applied in dealing with any breaches of the Code.

---

# What does misconduct and serious misconduct look like?

## He aha te āhua o te whanonga hē, me te whanonga tino hē?

Depending on the circumstances, misconduct may be considered serious misconduct, and vice versa. Misconduct and serious misconduct can apply to behaviour that has occurred outside of work.

The individual circumstances of each situation will determine how the misconduct is treated. These examples are intended as guidance only. They are not an exhaustive list of breaches of the Code of Conduct. Please use the SELF Check (page 5) to guide your decision making, or if you need further clarity talk to your manager or Human Resources before you take a course of action you think may fall outside the guidance outlined in this Code.

### What is misconduct?

#### He aha te whanonga hē?

This is behaviour or actions that breach this Code of Conduct or other Police policies. While misconduct may not justify dismissal it may result in formal disciplinary action and consideration of how harm caused can be restored.

#### **MISCONDUCT**

- ▶ Breaching Police policies or procedures
- ▶ Treating a person harshly
- ▶ Using abusive or offensive language
- ▶ Misuse of Police internet or email systems
- ▶ Using any Police databases for any unauthorised or personal purpose
- ▶ Being absent from work or late without proper reason
- ▶ Failure to declare a conflict of interest
- ▶ Misuse, mistreatment or not taking reasonable care of Police property
- ▶ Not complying with a lawful and reasonable instruction without a good and sufficient reason
- ▶ Bringing Police into disrepute through any actions or behaviour

### What is serious misconduct?

#### He aha te whanonga tino hē?

This is behaviour or actions that breach this Code of Conduct or other Police policies and employment agreements and seriously undermine or damage the trust and confidence Police has in you, calling into question if the employment relationship can continue. It is behaviour or actions that may justify dismissal.

#### **SERIOUS MISCONDUCT**

- ▶ Being convicted of or pleading guilty to an offence
- ▶ Corruption – accepting a bribe, inducement or reward
- ▶ Bullying or harassment
- ▶ Sexual misconduct
- ▶ Theft or dishonesty of any kind
- ▶ Unauthorised access to, or disclosure of any matter or information related to Police business including NIA
- ▶ Repeated misconduct (including breach of a warning or repeated failure to take agreed steps to restore relationships and/or repair harm)
- ▶ Knowingly making a false declaration or statement (including incorrectly recording data)
- ▶ Excessive unjustified violence

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## What is considered?

### He aha ngā whaiwhakaaro?

In considering if a behaviour or decision is a breach of this Code and how serious it is, the factors that may be considered are:

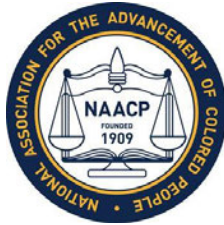
- The nature and circumstances
- Intent – did you knowingly make decisions or act out of line with this Code, Our Values and policies?
- Your position, duties and responsibilities
- Your ability to fulfil your duties and responsibilities
- The impact on the organisation and relationships
- Impact on the trust and confidence Police has in you
- How similar behaviour has been treated in the past

When we choose to work at Police we choose to be responsible for consistently demonstrating our values, working in a manner consistent with this Code, our Police policies and employment agreement and seeking help when we are unsure. This is required of us all.

If you want to talk through the Code of Conduct or any of our employment expectations, please contact:

- ▶ Your manager or leaders
- ▶ Members of the NZ Police Executive team
- ▶ Human Resources





September 16, 2022

ORLawEnfCommission@doj.state.or.us.

Re: Police Accountability – Excessive Force

With House Bill 2930, the Commission was given an excellent opportunity to create robust standards to ensure public safety, signal best practices, and hold police accountable for their conduct on and off the job. Instead of seizing the chance to establish a model for police behavior, it seems the goal was to do the bare minimum in order to give the appearance that reform was attempted. While we understand the Commission sought to find balance between different interests, the choices made weigh too much in favor of protecting police from consequences for any misdeeds. Instead of focusing on measures to protect public safety, the primary concern seemed to be to do as little as possible to potentially upset law enforcement officials. Though there are numerous areas where the proposed standards fall short, the most egregious deficiency is in the section concerning excessive force by police.

The proposed standards offered by the committee are both too limited in their scope and too vague in its potential enforcement. The rules only address cases where force by the officer “results in death or serious physical injury.” This shows the Commission has misplaced its focus—the emphasis should be on the actions and intent of the officer and not to the extent of injury suffered by the victim. The goal should be to discourage officers from engaging in excessive force in the first place and addressing the thought processes that led to the decision to deviate from normal practices in choosing physical force against a civilian. As it stands, this rule allows for officers to engage in repeated incidents without repercussion if the result is an injury that falls short of this permissive standard. We have seen this exact result occur, with numerous officers subject to multiple complaints of excessive force.

In addition, the specification of “serious physical injury” is too lenient a standard in determining excessive force. ORS 161.015(8) defines it as when “a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ” occurs, which leaves a whole range of gruesome injuries that a police officer could inflict and still not be subject to sanctions. In a recent case, the Multnomah County District Attorney refused to press charges against an officer who singled out with no cause an individual from a group of retreating protestors, tackled him to the ground, and proceeded to punch the person in the head multiple times, resulting in brain damage and extensive injuries.<sup>1</sup> Without further clarification or better yet, a stricter standard, we will only see more results like this in the future.

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<sup>1</sup>“Retired Portland police officer pleads guilty to 2020 assault charge.” Levinson, Jonathan. <https://www.opb.org/article/2022/07/25/portland-oregon-police-scott-groshong-charges-assault-protest/>; “3rd active duty Portland police officer possibly facing protest-related charges.” Wilson, Conrad. <https://www.opb.org/article/2021/06/25/portland-police-possible-charges-3rd-officer-protest-enforcement/>



The proposed standards are also hamstrung by the lack of definitions for what constitutes “unjustified” force. This should be defined as force in excess of achieving public safety. There have been countless incidents where officers have used force beyond what is necessary to subdue or restrain a suspect and instead venture into the realm of inflicting punishment on civilians. We understand the risks officers take on a daily basis, but they need to be trained in ways in which their goals can be achieved with less force. This standard places the burden of proof on law enforcement, instead of the current choice which puts greater risk on the public. Otherwise, without any clear boundaries or examples, there is little reason to believe that there will be an impartial assessment by the police on whether the use of force was justified. We have seen countless examples of convoluted explanations from law enforcement which clears the officer of wrongdoing, finding that the use of force of justified no matter what the conduct was. If the rules are adopted without changes addressing this deficiency, we will continue to see more examples of this.

Of course, we only get to this point when there is an investigation into wrongdoing; we have seen numerous documented instances of a failure to report or follow up on complaints of excessive force. We have evidence of officers simply not reporting their use of force,<sup>2</sup> and we have the embarrassing example of one Portland officer who was put in charge of investigating these instances himself being the subject of multiple claims of excessive force.<sup>3</sup> The Commission must look into rules establishing guidelines for investigation and ensuring oversight to make sure they are followed. We need to make sure there is both an external component not subject to pressure from law enforcement as well as other mechanisms to ensure investigations are impartial.

Beyond the specific deficiencies of the rules that have been highlighted, the Commission should take this as an opportunity to make sure we have a police force that is not just “adequate” or “competent” but one that is exemplary. Officers should be held to higher standard of conduct than the typical civilian, and not given more latitude to engage in harmful actions that would be deemed criminal if perpetrated by anyone not wearing a badge. Yes, police officers can often be found in extraordinary situations, but we also spend an enormous amount of time and money to make sure they are trained and prepared to confront those situations. We expect their reactions to their situations to not be that of an ordinary person, but of a trained professional. As a result, we should not be so quick to concede when officers fall short of their training, but instead be prepared to hold them accountable for when they do not meet the level of their professional standard.

Members of law enforcement should welcome stricter standards. Other professions have systems put in place to root out bad behavior of its members, benefitting both the public and the profession itself by reinforcing the trust each side has with the other. Doctors make sure their colleagues maintain a certain baseline of care, and lawyers maintain a disciplinary system to root out malfeasance and ensure clients are not exploited. Too often we have seen people dismiss concerns about police behavior by brushing away the problem as the result of “a few bad apples” but neglecting the rest of the phrase— “spoils the bunch.” Say what you will about lawyers, but at least they were serious enough about the law to take away the license to practice law from a former President.

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<sup>2</sup> “Portland police slipping further from compliance with settlement, Justice Department finds.” Bernstein, Maxine. <https://www.oregonlive.com/portland/2022/07/portland-police-slipping-further-from-compliance-with-settlement-justice-department-finds.html>

<sup>3</sup> “An Investigator of Police Shootings Now Faces Possible Criminal Indictment.” Riski, Tess. <https://www.wweek.com/news/courts/2021/07/07/an-investigator-of-police-shootings-now-faces-possible-criminal-indictment/>

It is clear from watching the behavior of police, not only from these past few months but from their actions over the years, that these rules are necessary. We have documented evidence from multiple sources of use of excessive force on a near-nightly basis, often captured on video, which itself prompted more protests and led to further incidents. Too often we have seen officers escape consequences for sure this process does not repeat itself. It must act now and revise the rules on unjustified and excessive use of force.

Sincerely,

Kristi Negri

Kristi Negri, co-chair  
Salem-Keizer NAACP Legal Redress Committee

**Archived:** Friday, September 16, 2022 2:31:39 PM

**From:** [Mike Mann](#)

**Sent:** Fri, 16 Sep 2022 14:22:41

**To:** [ORLawEnf Commission](#)

**Subject:** Public Comment / Request on "just cause"

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Commissioners –

Thank you for your work on developing the new standards for Law Enforcement Officers. I am a labor representative with Teamsters Local 223 and represent several law enforcement groups in Oregon. This request is for clarification in one part of one standard to avoid possible unnecessary conflict.

I request the addition of a phrase to clarify the prohibition of a “just cause” definition in collective bargaining agreements. As currently drafted, OAR 265-005-0010 appears overly broad in the restriction to prohibit a definition of “just cause” in law enforcement labor agreements. Many labor agreements at law enforcement agencies include job classifications in addition to Law Enforcement Officers, such as parking enforcement, dispatchers, animal control, records, evidence, community service employees and other support staff.

The legislature was very specific in who would be covered by the Commission’s standards and that is specific to “law enforcement officers” as defined in ORS 131.930 and that does not include other law enforcement employees. The language should be clarified that the “just cause” requirement is specific to the employees covered by this legislation and only include the defined Law Enforcement Officers, not other employee classifications covered by labor agreements such as the examples listed above. Without this suggested change, unnecessary conflict could occur in labor negotiations or in interpretations of labor agreements. Please consider adding the phrase “**for law enforcement officers**” as shown below in bold type.

ADOPT: 265-005-0010 RULE SUMMARY: Adopts statutory burden of proof for disciplining bodies to prove misconduct.  
CHANGES TO RULE: 265-005-0010 Burden of Proof (1) For any collective bargaining agreement entered into or renewed on or after July 1, 2021, for all disciplinary actions imposed upon a law enforcement officer, a disciplining body has the burden to prove by a preponderance of evidence that the officer engaged in misconduct and that any disciplinary action taken against the officer was with just cause as defined by ORS 236.350. ¶ (2) No collective bargaining agreement entered into or renewed on or after July 1, 2021, may include a standard of just cause **for law enforcement officers** other than the standard as defined in ORS 236.350.

Statutory/Other Authority: ORS 243.812 Statutes/Other Implemented: ORS 243.812

Thank you for your consideration of this request.

Michael Mann  
Teamsters Local 223 Labor Representative

**From:** [Amy Long](#)

**Mail received time:** Fri, 16 Sep 2022 21:45:18

**Sent:** Fri, 16 Sep 2022 14:45:12

**To:** [ORLawEnf Commission](#)

**Subject:** Commission on Law Enforcement Standards of Conduct and Discipline

**Importance:** Normal

**Sensitivity:** None

**Archived:** Friday, September 16, 2022 5:03:34 PM

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TWIMC - The standards currently proposed do not hold police accountable and shield them from being held responsible for bad actions that cause harm to citizens. The proposed standards should not be adopted. Please say no.

Amy Long  
**Redacted**

**Archived:** Friday, September 16, 2022 5:05:57 PM

**From:** [Barbra Neil Cantone](#)

**Mail received time:** Fri, 16 Sep 2022 22:00:20

**Sent:** Fri, 16 Sep 2022 15:00:15

**To:** [ORLawEnf Commission](#)

**Subject:** Stop police and their accomplices from co-opting a state process to shield bad cops

**Importance:** Normal

**Sensitivity:** None

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The Oregon state legislature deserves our gratitude and praise for establishing the Commission on Law Enforcement Standards of Conduct and Discipline. The legislature responded to Oregon's weak police accountability mechanisms, among the worst in the nation.

However the Commission is off to a rocky start. According to the ACLU, seven of the 13 voting members are police professionals or in police-adjacent professions. Two are police chiefs, one a sheriff, three are lawyers who represent police unions or police, and one is the executive director of the Oregon prosecutor's association. The Commission should have voting representatives — plural — of families injured police violence and experts on the endemic problem of police committing crimes and police forces shielding them.

Any inclination to give this Commission the benefit of doubt was erased when the Commission issued proposed a set of rules. The proposal is a weak collection of vaguely defined mitigating circumstances; options for retention on the force (or maybe even a pass) for officers who commit racism or discriminatory acts; and silence on the question of membership in extremist groups.

### **Some mitigating circumstances are loopholes:**

Under the proposed rules, the Commission can issue nothing more than a written reprimand if it finds any of these — or other — mitigating circumstances:

- “(n) Extraordinary circumstances or hardships that may be relevant.
- (o) The lack of training or experience that is germane to the incident.
- (p) Other relevant factors are present that justify imposing a mitigated sanction.”

These three especially are so ill-defined that it's hard to imagine how they could provide guidance for anything but an exit ramp.

### **Police committing racist, discriminatory crimes can stay on the force:**

Another loophole is in the section on “Crimes 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 (OAR 265-010-0020). The least disciplinary action is demotion. However, here's the loophole:

- (2) It is not misconduct under this rule if the law enforcement officer is acting on a suspect description or information related to an identified or suspected violation of a provision of law.

Why would it be all right to commit a racist or otherwise discriminatory action when acting on a tip? At this point the proposed rules start to sound like a re-write of qualified immunity and not a strategy for using accountability to reform our police departments.

**Police can belong to racist, anti-gay, anti-government groups:**

Last but not least, the rules have no disciplinary actions for joining groups that espouse white supremacy, attacks on individuals from marginalized groups, violent overthrow of the government or attacks on government officials. Membership in groups like these should result in termination, with no mitigating circumstances and no lighter disciplinary options.

Honestly, the Commission membership needs to be re-structured. If the Commission cannot legally be reconstituted, the current Commission needs to show good faith by re-writing these rules. I urge clear, operationally defined standards by which the Commission's decisions can be easily measured. All fuzzy mitigating circumstances that like the ones cited above must go, along with any others that would encourage giving protection to police who commit crimes. As we have done for so long. Also, the rules should prohibit membership to terrorist, anti-democratic hate gross.

Oregon received a D+ from the Institute for Justice for its accountability rules. These proposed rules deserve a D+ too.

Signed,  
Barbra N. Cantone  
Portland, Oregon

**Archived:** Friday, September 16, 2022 5:07:47 PM

**From:** [Nancy N.](#)

**Mail received time:** Fri, 16 Sep 2022 22:06:32

**Sent:** Fri, 16 Sep 2022 22:06:26

**To:** [ORLawEnf Commission](#)

**Subject:** Reject proposed "Standards of Conduct and Disciplinary Procedures"

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

To the Commission:

Please REJECT the proposed "Standards of Conduct and Disciplinary Procedures Applicable to Law Enforcement Officers." They are gravely inadequate.

Where is the accountability? Why, even in mitigating circumstances, should any police officer who has hurt someone with unjustified or excessive physical force, or committed a sexual assault, be allowed to continue working in a role ostensibly dedicated to *protecting* the community? That would keep them in a position of power, where they can continue to harm others. It would protect cops, not our community.

Officers also shouldn't be allowed to participate in white supremacist organizations.

We need stronger standards. Violence and hate are not OK. Fire cops who harm our community.

Sincerely,  
Nancy Novitski

**Archived:** Friday, September 16, 2022 5:10:04 PM

**From:** [Diane Peterson](#)

**Mail received time:** Fri, 16 Sep 2022 22:31:18

**Sent:** Fri, 16 Sep 2022 15:31:07

**To:** [ORLawEnf Commission](#)

**Subject:** Public comment regarding law enforcement standards

**Importance:** Normal

**Sensitivity:** None

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To the Commission on Law Enforcement Standards of Conduct and Discipline:

As a concerned citizen and gun violence prevention advocate, I respectfully request that the Commission vote NO on the proposed standards for Oregon law enforcement. The standards, as currently written, fail to ensure that cops who discriminate against, seriously injure or kill using unjustified excessive force, or sexually assault another person will be held accountable for their actions. The standards also have no provision for discipline of officers who join or affiliate with hate groups like the Oathkeepers, Proud Boys, and Three Percenters. The standards MUST include these items. It is shocking, in fact, that this is the first time that standards are being written. Law enforcement is way behind the times on this, and innocent citizens have suffered too much at the hands of police.

Furthermore, the Commission itself must ensure its objectivity in writing and adopting standards. The ACLU of Oregon has identified that the 13 voting members on this Commission consist of "two police chiefs, a sheriff, three lawyers who represent police unions or police, and the executive director of the Oregon prosecutor's association". Voices representing citizens impacted by police violence must be included.

[Everytown for Gun Safety's report on police gun violence](#) indicates that prevention of it will require "confronting America's history of racism, reimagining the role of police, and implementing policies that reduce police gun violence", including:

- "A strong legal standard barring unnecessary police use of force
- De-escalation, reducing officer bias, and a priority for positive law enforcement-community relationships through procedural justice
- Tools for officers at risk of misconduct
- A thorough and independent system for reviewing use of force incidents, and ensuring abusive officers can be disciplined and prosecuted
- Transparency about policies, procedures, and the use of force"

Our citizens deserve better than the current system. Officers who have sworn an oath to protect and serve must do exactly that, no exceptions allowed. We must re-think and re-work our system, and all voices must be included.

Thank you,  
Diane Peterson  
Springfield, OR





## ISSUES

# Gun Violence by Police

## WHAT IS THE PROBLEM?

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**Every year, police in America shoot and kill more than 1,000 people, and Black people are victims at a disproportionate rate. Curbing this gun violence requires confronting America's history of racism, reimagining the role of police, and implementing policies that reduce police gun violence.**

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Gun violence is a uniquely American epidemic, as is gun violence by police. In addition to the loss of life and the family members and survivors' pain, police shootings have a uniquely corrosive impact on the nation: patterns of police violence dramatically reduce public confidence in police and lead some community members to see them as part of the problem. The fear sown by these shootings makes neighborhoods less safe since law enforcement cannot do its part in preventing violent crime without the assistance of the community.

### **Any policing strategy must include these fundamental principles:**

- 1 A strong legal standard barring unnecessary police use of force
  - 2 De-escalation, reducing officer bias, and a priority for positive law enforcement-community relationships through procedural justice
-

- 3 Tools for officers at risk of misconduct
- 4 A thorough and independent system for reviewing use of force incidents, and ensuring abusive officers can be disciplined and prosecuted
- 5 Transparency about policies, procedures, and the use of force

## NEWS

## **Ohio Moms Demand Action, Students Demand Action Respond to Fatal Police Shooting of Donovan Lewis**

The Ohio chapters of Moms Demand Action and Students Demand Action, both part of Everytown for Gun Safety's grassroots network, released the following statement after...

9.1.2022

## **VICTORY FOR GUN SAFETY IN THE STATES: In 2022, State Legislatures Have So Far Passed At Least 45 Gun Safety Laws and Rejected 95% of the Gun Lobby's Extreme Agenda**

State Legislatures Approved a Record-Setting \$860 Million for Gun Violence Prevention Tens of Thousands of Moms and Students Demand Action Volunteers Across the Country Partnered...

9.1.2022

## **Following Federal Charges Against Officers Involved in the Fatal Raid on Breonna Taylor's Home, Kentucky Lawmakers Must Do More to Reduce Police Gun Violence by Promoting Police Transparency and Accountability**

On Thursday, August 4, 2022, federal officials charged four Kentucky police officers with crimes related to the nighttime police raid in...

8.4.2022

## **Ohio Moms Demand Action, Students Demand Action Statements on Akron Police Shooting of Jayland Walker**

The Ohio chapters of Moms Demand Action and Students Demand Action, both part of Everytown's grassroots networks, released the following statement in response to the...

7.3.2022

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## WHY IS IT AN ISSUE?

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# **America's gun violence epidemic includes gun violence by police.**

As we have long heard from communities of color, police violence is gun violence. Indeed, 96 percent of the deaths of civilians caused by police are with a firearm, and Black people are the victims at a disproportionate rate—they are nearly three times more likely to be shot and killed by police than white people. Curbing this gun violence and the disproportionate impact it has on Black and brown communities will require the country to confront its history of racism and structural inequity. It will also require local stakeholders to reimagine the role of police and community in promoting public safety. Every jurisdiction in the country must have policies that reduce police gun violence, including strong guardrails on when police may use force against civilians, ensuring police are held accountable when force is used, and prioritizing de-escalation, dignity, and respect.

## BY THE NUMBERS

# 1k

Every year, police in America shoot and kill more than 1,000 people.

Stat

# 96%

96 percent of the deaths of civilians caused by police are with a firearm.

Stat

# 3x

Black people are the victims at a disproportionate rate—they are nearly three times more likely to be shot and killed by police than white people.

Stat

**Archived:** Monday, September 19, 2022 9:22:31 AM

**From:** [Sandy Chung](#) [Sandy Chung](#)

**Sent:** Fri, 16 Sep 2022 22:58:30

**To:** [ORLawEnf Commission](#)

**Cc:** [Sandy Chung](#) [Zach Winston](#) [Sandy Chung](#)

**Subject:** Testimony from ACLU of Oregon & Oregon Justice Resource Center

**Importance:** High

**Sensitivity:** None

**Attachments:**

[Enclosure - redline to proposed standards - pdf version.pdf](#); [Enclosure - redline to proposed standards.docx](#); [ACLU of Oregon & OJRC - Testimony to Commission on Statewide Standards of Conduct & Discipline \(9.16.22\).pdf](#);

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**\*CAUTION EXTERNAL EMAIL\*** This email originated from outside of DOJ. Treat attachments and links with caution. **\*CAUTION EXTERNAL EMAIL\***

Hello,

We've attached to this email:

1. **Testimony of ACLU of Oregon and Oregon Justice Resource Center** about the Commission's proposed statewide law enforcement standards of conduct & discipline
2. **PDF redline** of revised standards proposed by ACLU of Oregon and OJRC
3. **Word redline** of revised standards proposed by ACLU of Oregon and OJRC

Thank you,  
Sandy

**Sandy Chung**

Pronouns: she, her

**Executive Director**

American Civil Liberties Union of Oregon

P.O. Box 40585 Portland, OR 97240

(971) 358-2017 | [schung@aclu-or.org](mailto:schung@aclu-or.org)

[aclu-or.org](http://aclu-or.org)  



[Register for our September 21 webinar](#) in which your ACLU of Oregon team with other ACLU affiliate partners debrief the impacts of the U.S. Supreme Court's decisions and share the roadmap for the work ahead!

[Join us and our partners to get organized to fight back](#) against the recent overturning of *Roe v Wade*. The courts don't decide our fate, we do—together.

*It's not enough to mount an effort to get more public defense attorneys in Oregon. We have to step back and look at the whole criminal system, listen to each other, and think on these bigger questions: [\*\*Check out Rights Unrealized: A Public Education Campaign on the Public Defense System in Oregon!\*\*](#)*

Proposed standards with redline changes strongly recommended by ACLU of Oregon and OJRC (pdf and word copies)

**Commission on Statewide Law Enforcement Standards of Conduct and Discipline: [Proposed Rules](#)**

**265-005-0001: Definitions**

RULE SUMMARY: Provides the definitions that apply to these rules. RULE TEXT:

1. “Active participation” means the following, except where such activity is within the scope of an official duty (e.g., intelligence or law enforcement operations), whether on or off government or law enforcement buildings and grounds and whether during or after on-duty work time as a law enforcement officer:
  - a. Advocating or engaging in the use or threat of unlawful force or violence in support of extremist activities.
  - b. Advocating for or providing material support or resources to individuals or organizations that promote or threaten the unlawful use of force or violence in support of extremist activities, with the intent to support such promotion or threats.
  - c. Knowingly communicating information that compromises the operational security of any law enforcement organization or mission, in support of extremist activities.
  - d. Recruiting or training others to engage in extremist activities.
  - e. Fundraising for, or making personal contributions through donations of any kind (including but not limited to the solicitation, collection, or payment of fees or dues) to, a group or organization that engages in extremist activities, with the intent to support those activities.
  - f. Creating, organizing, or taking a leadership role in a group or organization that engages in or advocates for extremist activities, with knowledge of those activities.



Proposed standards with redline changes strongly recommended by ACLU of Oregon and OJRC (pdf and word copies)

- g. Actively demonstrating or rallying to incite extremist activities (but not merely observing such demonstrations or rallies as a spectator).
- h. Attending a meeting or activity with the knowledge that the meeting or activity involves extremist activities, with the intent to support those activities:
  - i. When a reasonable person would determine the meeting or activity is likely to result in violence; or
  - ii. In violation of off-limits sanctions, other lawful orders, or laws.
- i. Distributing literature or other promotional materials that is likely to incite extremist activities.
- j. Knowingly receiving material support or resources from a person or organization that incites or participates in extremist activities with the intent to use the material support or resources in support of extremist activities.
- k. When using a government or law enforcement communications system and with the intent to support extremist activities, knowingly accessing internet web sites or other materials that are likely to incite extremist activities.
- l. Knowingly displaying paraphernalia, words, or symbols in support of extremist activities or in support of groups or organizations that engage in extremist activities, such as flags, clothing, tattoos, and bumper stickers.
- m. Engaging in electronic and cyber activities that are likely to incite extremist activities, or support groups that engage in extremist activities – including posting, liking, sharing, re-tweeting, or otherwise distributing content – when such action is taken with the intent to promote or otherwise endorse extremist activities. Law enforcement personnel are responsible for the content they publish on all personal and public Internet domains, including social media sites, blogs, websites, and applications.

Proposed standards with redline changes strongly recommended by ACLU of Oregon and OJRC (pdf and word copies)

n. Knowingly taking any other action in support of, or engaging in, extremist activities, when such conduct is prejudicial to good order and discipline or is discrediting to law enforcement.

Commented [1]: New necessary definition

1.2. “Assault” has the meaning given that term in ORS 163.115.

2. “Civilian or community oversight board, agency or review body” has the meaning given that term in ORS 243.812.
3. “Controlled Substance” has the meaning given that term in ORS 475.005.
4. “Deadly physical force” has the meaning given that term in ORS 161.015.
5. “Disciplinary action” includes a personnel action against a law enforcement officer in the form of a written reprimand, suspension without pay, reduction in salary, demotion, or termination of employment upon a finding that the law enforcement officer engaged in misconduct.
6. “Disciplining body” means a law enforcement agency or, if applicable, a civilian or community oversight board, agency or review body.

7. “Domestic violence” has the meaning given that term in ORS 135.230.

8. “Extremist” as related to advocacy or active participation in “extremist” doctrine, ideology, causes, or activities means::

- a. Advocating or engaging in unlawful force, unlawful violence, or other illegal means to deprive individuals of their rights under the United States or Oregon Constitution or the laws of the United States, Oregon, or any political subdivision thereof.
- b. Advocating or engaging in unlawful force or violence to achieve goals that are political, religious, discriminatory, or ideological in nature.

Proposed standards with redline changes strongly recommended by ACLU of Oregon and OJRC (pdf and word copies)

c. Advocating, engaging in, or supporting the overthrow of the government of the United States, Oregon, or any political subdivision thereof, by force or violence; or seeking to alter the form of these governments by unconstitutional or other unlawful means (e.g., sedition).

d. Advocating or encouraging other law enforcement officers or personnel to violate the laws of the United States, Oregon, or any political subdivision thereof, for the purpose of disrupting law enforcement activities (e.g., subversion), or personally undertaking the same.

7.e. Advocating widespread unlawful discrimination based on race, ethnicity, national origin, color, sex, gender identity, sexual orientation, age, religion, physical or mental disability, homelessness, or any other protected status under United States or Oregon law.

~~8-9~~ “Finding” means a final determination by the decision maker of a disciplining body that a law enforcement officer has engaged in misconduct for which the decision maker making the determination has authority to impose disciplinary action.

9. “Intentional” has the meaning given that term in ORS 161.085.

10. “Justification” means a justifiable use of physical or deadly physical force pursuant to ORS 161.205 to ORS 161.267.

11. “Just Cause” has the meaning given that term in ORS 236.350.

12. “Law enforcement agency” has the meaning given that term in ORS 131.930.

13. “Law enforcement officer” has the meaning given that term in ORS 131.930.

14. “Misconduct” means conduct that violates state, tribal or federal law or the policies of the law enforcement agency employing the law enforcement officer, or that subjects the law enforcement officer to disciplinary action under these rules.

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Commented [2]: New necessary definition

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**Proposed standards with redline changes strongly recommended by ACLU of Oregon and OJRC (pdf and word copies)**

15. “Misuse of authority for financial gain” occurs when a law enforcement officer’s vote, opinion, judgment, action, decision or exercise of discretion is influenced by the officer’s solicitation or acceptance of a financial benefit for the officer or a third person. This rule does not apply to agency-approved fundraising activities.
16. “Moral Character” means performing the duties of a law enforcement officer in a manner that demonstrates honesty, fairness, and respect for the rights of others and for the laws of the state and the nation.
17. “Physical Force” has the meaning given that term in ORS 161.015.
18. “Physical Injury” has the meaning given that term in ORS 161.015.
19. “Serious Physical Injury” has the meaning given that term in ORS 161.015.
20. “Sexual assault” has the meaning given that term in ORS 243.317.
21. “Sex crime” has the meaning given that term in ORS 163A.005.
22. “Sexual Harassment” has the meaning given that term in OAR 839-005-0030.
23. “Stalking” means engaging in conduct constituting the crime of stalking in ORS 163.732.
24. “Untruthfulness” means knowingly or willfully making false statements, falsifying work-related records or official documents, omitting material facts or material information, or answering questions or providing information in a manner that is incomplete, evasive, deceptive, or misleading. A statement is not considered untruthful when the officer reasonably believes that deception (i) is necessary due to the nature of the officer’s assignment, such as an undercover assignment; (ii) is necessary to acquire information for a criminal investigation, or (iii) to protect the officer or others from an articulable threat. The use of deception in these circumstances must be for a specific and legitimate law enforcement purpose and must be temporary in nature.

**Proposed standards with redline changes strongly recommended by ACLU of Oregon and OJRC (pdf and word copies)**

STATUTORY/OTHER AUTHORITY: ORS 243.812  
STATUTES/OTHER IMPLEMENTED: ORS 243.812

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**265-005-0005: Application of Oregon Revised Statutes**

RULE SUMMARY: States that the rules are subject to the Oregon Revised Statutes.

RULE TEXT:

These rules are subject to the Oregon Revised Statutes, including but not limited to ORS 243.808, 236.350, and 243.706.

STATUTORY/OTHER AUTHORITY: ORS 243.812  
STATUTES/OTHER IMPLEMENTED: ORS 243.812

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**265-005-0010: Burden of Proof**

RULE SUMMARY: Adopts statutory burden of proof for disciplining bodies to prove misconduct. RULE TEXT:

1. For any collective bargaining agreement entered into or renewed on or after July 1, 2021, for all disciplinary actions imposed upon a law enforcement officer, a disciplining body has the burden to prove by a preponderance of evidence that the officer engaged in misconduct and that any disciplinary action taken against the officer was with just cause as defined by ORS 236.350.
2. No collective bargaining agreement entered into or renewed on or after July 1, 2021, may include a standard of just cause other than the standard as defined in ORS 236.350.

STATUTORY/OTHER AUTHORITY: ORS 243.812  
STATUTES/OTHER IMPLEMENTED: ORS 243.812

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**265-005-0015: Disciplinary Action for Misconduct Not Identified By These Rules**

**Proposed standards with redline changes strongly recommended by ACLU of Oregon and OJRC (pdf and word copies)**

RULE SUMMARY: States that disciplinary bodies may take disciplinary action pursuant to their own policies for misconduct not identified by these rules.

RULE TEXT:

Upon a finding of misconduct not specifically identified within these rules, a disciplining body may take disciplinary action pursuant to the employing law enforcement agency's policies and practices so long as the disciplinary action is consistent with these rules.

STATUTORY/OTHER AUTHORITY: ORS 243.812

STATUTES/OTHER IMPLEMENTED: ORS 243.812

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**265-005-0020: Multiple Instances of Misconduct**

RULE SUMMARY: Establishes a procedure if, in an arbitration proceeding with multiple instances of misconduct at issue, the arbitrator finds that the disciplinary body did not meet its burden of proof on one or more instances of misconduct.

RULE TEXT:

1. For purposes of an arbitration proceeding concerning multiple instances of alleged misconduct by a law enforcement officer, if the arbitrator finds that a disciplining body has not met its burden of proof by a preponderance of the evidence to show that:
  - a. The officer engaged in one or more of the instances of alleged misconduct, or
  - b. That the disciplinary action taken against the officer was with just cause, as defined in ORS 236.350, for one or more of the instances of misconduct, the arbitrator must rescind the disciplinary action imposed on those allegations of misconduct and refer the matter back to the disciplining body.
2. The disciplining body may, at its discretion, amend the disciplinary action on any instances of misconduct upheld by the arbitrator.

**Proposed standards with redline changes strongly recommended by ACLU of Oregon and OJRC (pdf and word copies)**

3. Nothing in this rule precludes the officer from initiating an arbitration proceeding regarding a disciplinary action imposed after the referral by the arbitrator.

STATUTORY/OTHER AUTHORITY: ORS 243.812  
STATUTES/OTHER IMPLEMENTED: ORS 243.812

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**265-005-0025: Incorporation of Rules**

RULE SUMMARY: Requires law enforcement agencies to incorporate these rules into their employment policies.

RULE TEXT:

All disciplining bodies shall adopt policies incorporating these rules. The failure of a disciplining body to adopt policies incorporating these rules does not impair the application of these rules.

STATUTORY/OTHER AUTHORITY: ORS 243.812  
STATUTES/OTHER IMPLEMENTED: ORS 243.812

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**265-005-0030: Application of Aggravating and Mitigating Factors**

RULE SUMMARY: Establishes a procedure for a disciplinary body's application of aggravating and mitigating factors.

RULE TEXT:

1. A disciplining body shall impose the presumptive sanction required by these rules unless it finds that one or more of the aggravating or mitigating factors enumerated in OAR 265-015-0035 justifies a departure from the presumptive sanction.
2. If the disciplining body determines that a mitigated sanction is justified, it shall impose a sanction that is no less than the mitigated sanction for the specific

**Proposed standards with redline changes strongly recommended by ACLU of Oregon and OJRC (pdf and word copies)**

instance of misconduct but may impose a sanction that is no more than the presumptive sanction.

3. Except when the presumptive sanction for misconduct is termination, if the disciplining body determines that an aggravated sanction is justified, it shall impose a sanction that is no more than the aggravated sanction for the specific instance of misconduct but may impose a sanction that is no less than the presumptive sanction.
4. A disciplining body shall not apply an aggravating or mitigating factor if the factor is already included in determining whether misconduct occurred (example: intentionality).
5. A disciplining body has the discretion to impose mitigated or aggravated sanctions as permitted by these rules. A disciplining body shall document its reasoning, including whether it found aggravating or mitigating factors and the relative weight it gave to each factor, for imposing a disciplinary action other than the presumptive sanction.

STATUTORY/OTHER AUTHORITY: ORS 243.812  
STATUTES/OTHER IMPLEMENTED: ORS 243.812

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**265-010-0001: Sexual Assault**

RULE SUMMARY: Establishes that the presumption sanction for engaging in conduct constituting sexual assault is termination and identifies mitigated sanctions.

RULE TEXT:

A disciplining body shall impose upon a law enforcement officer disciplinary action of termination~~within the following disciplinary range~~ upon a finding that the officer engaged in misconduct constituting an act of sexual assault:

1. ~~The presumptive sanction shall be termination.~~
2. ~~The mitigated sanction shall be suspension without pay, salary reduction, demotion, or a written reprimand.~~



STATUTORY/OTHER AUTHORITY: ORS 243.812  
STATUTES/OTHER IMPLEMENTED: ORS 243.812

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### **265-010-0005: Sexual Harassment**

RULE SUMMARY: Establishes that the presumptive sanctions for engaging in conduct constituting sexual harassment are economic sanctions and identifies mitigated sanctions and aggravated sanctions. RULE TEXT:

A disciplining body shall impose upon a law enforcement officer disciplinary action within the following disciplinary range upon a finding that the officer engaged in misconduct constituting sexual harassment:

1. The presumptive sanction shall ~~termination, be demotion, suspension without pay, or salary reduction.~~
2. The mitigated sanction shall be ~~demotion, suspension without pay, or salary reduction, a written reprimand.~~
- 3- ~~The aggravated sanction shall be termination.~~

STATUTORY/OTHER AUTHORITY: ORS 243.812  
STATUTES/OTHER IMPLEMENTED: ORS 243.812

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### **265-010-0010: Assault**

RULE SUMMARY: Establishes that the presumption sanction for engaging in conduct constituting assault is termination and identifies mitigated sanctions. RULE TEXT:

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**Proposed standards with redline changes strongly recommended by ACLU of Oregon and OJRC (pdf and word copies)**

A disciplining body shall impose upon a law enforcement officer disciplinary action of termination ~~within the following disciplinary range~~ upon a finding that the officer engaged in misconduct constituting an act of intentional assault without justification:

- ~~1.—The presumptive sanction shall be termination.~~
- ~~2.—The mitigated sanction shall be suspension without pay, salary reduction, demotion, or a written reprimand.~~

STATUTORY/OTHER AUTHORITY: ORS 243.812  
STATUTES/OTHER IMPLEMENTED: ORS 243.812

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**265-010-0015: Unjustified or Excessive Use of Physical or Deadly Force**

RULE SUMMARY: Establishes that the exclusive sanction for the unjustified use of deadly physical force that results in death or physical injury is termination. Establishes that the presumptive sanction for the unjustified use of physical force that results in death or physical injury is termination and identifies mitigated sanctions.

RULE TEXT:

1. A disciplining body shall impose upon a law enforcement officer disciplinary action of termination upon a finding that the officer engaged in misconduct constituting unjustified or excessive use of deadly physical force by the officer that results in death or serious physical injury.
2. A disciplining body shall impose upon a law enforcement officer disciplinary action of termination ~~within the following disciplinary range~~ upon a finding that the officer engaged in misconduct constituting unjustified or excessive use of physical force by the officer that results in death or serious physical injury:
  - ~~a.—The presumptive sanction shall be termination.~~
  - ~~b.—The mitigated sanction shall be suspension without pay, salary reduction, demotion, or a written reprimand.~~

Proposed standards with redline changes strongly recommended by ACLU of Oregon and OJRC (pdf and word copies)

STATUTORY/OTHER AUTHORITY: ORS 243.812  
STATUTES/OTHER IMPLEMENTED: ORS 243.812

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**265-010-0020: Conduct 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**

RULE SUMMARY: Establishes that the presumption sanction for engaging in conduct that is motivated by an individual's protected status is termination and identifies mitigated sanctions.

RULE TEXT:

1. A disciplining body shall impose upon a law enforcement officer disciplinary action ~~of termination within the following disciplinary range~~ upon a finding that the officer engaged in misconduct in violation of statutory or constitutional law by intentionally targeting an individual for a suspected violation of law based on the individual's ~~real or perceived~~ race, ethnicity, national origin, color, sex, gender identity, sexual orientation, age, religion, physical or mental disability, or homelessness.

a. ~~The presumptive sanction shall be termination.~~

- ~~b. The mitigated sanction shall be suspension without pay, salary reduction or demotion.~~

2. It is not misconduct under this rule if the law enforcement officer is acting on a suspect description or information related to an identified or suspected violation of a provision of law.

STATUTORY/OTHER AUTHORITY: ORS 243.812  
STATUTES/OTHER IMPLEMENTED: ORS 243.812

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**265-010-0025: Moral Character**

RULE SUMMARY: Identifies conduct that demonstrates a lack of moral character and establishes that the presumptive sanction for engaging in that conduct is termination and identifies mitigated sanctions. RULE TEXT:

1. For the purposes of this rule, lack of good moral character includes conduct constituting:
  - a. A felony under state or federal law
  - b. Domestic violence
  - c. Stalking
  - d. A drug-related offense, except for offenses involving use or possession of marijuana
  - e. A bias or hate crime under state or federal law
  - f. A sex crime
  - g. Untruthfulness
  - h. Misuse of authority for financial gain

h.i. Active advocacy of or active participation in supremacist, extremist, or criminal gang doctrine, ideology, or causes, including those that advance, encourage, or advocate the use of force, violence, or criminal activity or otherwise advance efforts to deprive individuals of their civil rights.-

2. If a law enforcement officer is convicted of a crime based on conduct identified in subsection (1) of this rule, proof of the conviction is conclusive evidence that the conduct occurred.

**Commented [3]:** Can we include involvement in hate group in this list - and is there a government definition of hate group that can be used?

**Proposed standards with redline changes strongly recommended by ACLU of Oregon and OJRC (pdf and word copies)**

3. A disciplining body shall impose upon a law enforcement officer disciplinary action of termination upon a finding that the officer engaged in misconduct demonstrating a lack of good moral character.

STATUTORY/OTHER AUTHORITY: ORS 243.812  
STATUTES/OTHER IMPLEMENTED: ORS 243.812

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**265-010-0030: The Use of Drugs or Alcohol While on Duty**

RULE SUMMARY: Establishes that the presumptive sanction for use of drugs or alcohol on while on duty is termination and identifies mitigating sanctions

RULE TEXT:

1. A disciplining body shall impose upon a law enforcement officer disciplinary action within the following disciplinary range upon a finding that the law enforcement officer engaged in misconduct by unlawfully using a controlled substance while on duty.
  - a. The presumptive sanction shall be termination.
  - b. The mitigated sanctions shall include suspension without pay, a salary reduction, or demotion.
2. A disciplining body shall impose upon a law enforcement officer disciplinary action within the following disciplinary range upon a finding that the law enforcement officer engaged in misconduct by being impaired to any degree due to the consumption of an alcoholic beverage while reporting to duty or while on duty.
  - a. The presumptive sanction shall be termination.
  - b. The mitigated sanctions shall be suspension without pay, a salary reduction, or demotion, ~~or written reprimand~~.

**Proposed standards with redline changes strongly recommended by ACLU of Oregon and OJRC (pdf and word copies)**

3. For the purposes of this rule, “being impaired to any degree” means having a BAC greater than 0.00.

STATUTORY/OTHER AUTHORITY: ORS 243.812  
STATUTES/OTHER IMPLEMENTED: ORS 243.812

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**265-010-0035: Aggravating and Mitigating Factors**

RULE SUMMARY: Identifies a non-exclusive list of aggravating and mitigating factors that a disciplining body may consider.

RULE TEXT:

1. Aggravating Factors:
  - a. Prior disciplinary history.
  - b. Delay in reporting.
  - c. Intentional conduct.
  - d. Significant impact upon the agency’s mission, reputation, or relationship with the community.
  - e. Significant nature and extent of property damage or harm.
  - f. Officer made efforts to conceal or cover up conduct or behavior.
  - g. Does not accept responsibility if misconduct is undisputed.
  - h. Motivated by personal interest or gain.
  - i. Failure to meet documented expectations.
  - j. Supervisory position.

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- k. Failed or declined to attempt to de-escalate the encounter even though feasible to do so.
- l. Low probability or limited potential for rehabilitation.
- m. The nature of the event allowed time for deliberate reflection or action.
- n. Victim's vulnerability.
- o. The presence of training or experience that is germane to the incident.
- p. Other relevant factors are present that justify imposing an aggravated sanction.

2. Mitigating Factors:

- a. Positive employment history.
- b. Self-reported the violation.
- c. Unintentional conduct.
- d. Limited impact upon the agency's mission, reputation, or relationship with the community.
- e. Limited nature and extent of property damage or harm.
- f. Attempt to ameliorate or correct the conduct or behavior.
- g. Officer promptly accepted responsibility.
- h. Motivated by public interest or wellbeing of others.
- i. No repeated or other sustained misconduct.
- j. Role of the officer (subordinate to supervisor on scene).

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- k. Officer attempted to de-escalate the encounter.
- l. Potential for rehabilitation.
- m. The nature of the event was unpredictable, volatile, or unfolded rapidly, not allowing time for deliberate action.
- n. Extraordinary circumstances or hardships that may be relevant.
- o. The lack of training or experience that is germane to the incident.
- p. Other relevant factors are present that justify imposing a mitigated sanction.

STATUTORY/OTHER AUTHORITY: ORS 243.812  
STATUTES/OTHER IMPLEMENTED: ORS 243.812

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*Via email to [ORLawEnfCommission@doj.state.or.us](mailto:ORLawEnfCommission@doj.state.or.us)*

September 16, 2022

Commission on Statewide Law Enforcement Standards of Conduct and Discipline  
100 SW Market St.  
Portland, OR 97201

**RE: Oregon Statewide Law Enforcement Standards of Conduct and Discipline**

Dear Commissioners,

This letter is written by the American Civil Liberties Union (“ACLU”) of Oregon and Oregon Justice Resource Center (“OJRC”).

The ACLU of Oregon is a non-profit, non-partisan organization dedicated to protecting and advancing civil liberties, civil rights, and democracy with more than 28,000 members statewide.

OJRC promotes civil rights and improves legal representation for communities that have often been underserved in the past. We provide legal services or support to nearly 700 individuals who would otherwise not have access to the court and are the only legal organization in Oregon involved in all non-prosecutorial aspects of the criminal system.

We write this letter to urge you to make significant changes to the statewide law enforcement standards of conduct and discipline proposed by the Commission (the “proposed standards”).

\* \* \*

**1) Statewide standards for police officers must establish real accountability when an officer engages in misconduct or violence**

During the public comment process on the proposed standards, civil rights organizations, civil rights attorneys and advocates, government accountability advocates, community leaders, and many members of the public spoke to the Commission through public hearings and written testimony. They repeatedly communicated to the Commission that there is an absolute need for

clear, consistent, and uniform standards for police officers that will help establish real accountability when any police officer engages in misconduct or violence in Oregon and which help prevent future instances of misconduct or violence.

The message from the public is consistent with the mandate established by the Oregon Legislature for the Commission — to prescribe **uniform** standards of conduct for law enforcement officers.

Unfortunately, the standards proposed by the Commission do not meet the mandate established by the Legislature and urged by the public.

## **2) The consequence for serious types of misconduct and violence by officers must be termination**

We urge the Commission to revise the standards so that termination is the presumptive and only sanction for:

- Sexual assault;
- Assault;
- Unjustified or excessive use of physical or deadly force; and
- Conduct motivated by or based on a real or perceived factor of an individual's race, ethnicity, national origin, color, sex, gender identity, sexual orientation, age, religion, physical or mental disability, or homelessness.

A sanction less than termination is not appropriate for these types of misconduct and violence — especially if the purpose of the standards is to create real accountability and prevent future instances of similar serious harm by police officers.

As well, setting termination as the presumptive and only sanction for the aforesaid types of misconduct and violence is consistent with the standards set out by the Commission in 265-010-0025, the Moral Character section. In this section, termination is the presumptive and only sanction for an array of misconduct including domestic violence, stalking, untruthfulness, and misuse of authority for financial gain. If an officer can receive a letter of reprimand or demotion for sexual assault but must be terminated for untruthfulness, then the proposed standards create neither consistent uniformity nor reasonable proportionality between the seriousness of the misconduct and the consequence.

## **3) Termination must be the presumptive and only sanction for officers who actively participate in supremacist, extremist, or criminal gang doctrine, ideology, or causes**

Many members of the public who provided testimony urged the Commission to address officers who engage in supremacist, extremist, or criminal gang type activity. We strongly urge the Commission to do so as well.

The Commission needs to make termination the presumptive and only sanction for an officer's active advocacy or active participation in supremacist, extremist, or criminal gang doctrine, ideology, or causes, including those that advance, encourage, or advocate the use of force, violence, or criminal activity or otherwise advance efforts to deprive individuals of their civil rights.

In this area, we encourage the Commission to review the Department of Defense's "[Report on Countering Extremist Activity Within the Department of Defense](#)" as a resource on how to set disciplinary standards and related definitions that appropriately address this type of extremely harmful conduct while respecting First Amendment and other civil liberties values.<sup>1</sup>

Based on the Department of Defense's report, with some changes made for more consistency with federal and Oregon constitutional and legal requirements, we recommend defining "extremist" and "active participation" as follows:

**Extremist Activities.** The term "extremist" as related to advocacy or active participation in "extremist" doctrine, ideology, causes, or activities means:

- a. Advocating or engaging in unlawful force, unlawful violence, or other illegal means to deprive individuals of their rights under the United States or Oregon Constitution or the laws of the United States, Oregon, or any political subdivision thereof.
- b. Advocating or engaging in unlawful force or violence to achieve goals that are political, religious, discriminatory, or ideological in nature.
- c. Advocating, engaging in, or supporting the overthrow of the government of the United States, Oregon, or any political subdivision thereof, by force or violence; or seeking to alter the form of these governments by unconstitutional or other unlawful means (e.g., sedition).
- d. Advocating or encouraging other law enforcement officers or personnel to violate the laws of the United States, Oregon, or any political subdivision thereof, for the purpose of disrupting law enforcement activities (e.g., subversion), or personally undertaking the same.
- e. Advocating widespread unlawful discrimination based on race, ethnicity, national origin, color, sex, gender identity, sexual orientation, age, religion, physical or mental disability, homelessness, or any other status protected from discrimination under United States or Oregon law.

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<sup>1</sup> See pages 9-11 at <https://media.defense.gov/2021/Dec/20/2002912573/-1/-1/0/REPORT-ON-COUNTERING-EXTREMIST-ACTIVITY-WITHIN-THE-DEPARTMENT-OF-DEFENSE.PDF>

**Active Participation.** “Active participation” means the following, except where such activity is within the scope of an official duty (e.g., intelligence or law enforcement operations), whether on or off government or law enforcement buildings and grounds and whether during or after on-duty work time as a law enforcement officer:

- a. Advocating or engaging in the use or threat of unlawful force or violence in support of extremist activities.
- b. Advocating for or providing material support or resources to individuals or organizations that promote or threaten the unlawful use of force or violence in support of extremist activities, with the intent to support such promotion or threats.
- c. Knowingly communicating information that compromises the operational security of any law enforcement organization or mission, in support of extremist activities.
- d. Recruiting or training others to engage in extremist activities.
- e. Fundraising for, or making personal contributions through donations of any kind (including but not limited to the solicitation, collection, or payment of fees or dues) to, a group or organization that engages in extremist activities, with the intent to support those activities.
- f. Creating, organizing, or taking a leadership role in a group or organization that engages in or advocates for extremist activities, with knowledge of those activities.
- g. Actively demonstrating or rallying to incite extremist activities (but not merely observing such demonstrations or rallies as a spectator).
- h. Attending a meeting or activity with the knowledge that the meeting or activity involves extremist activities, with the intent to support those activities:
  - i. When a reasonable person would determine the meeting or activity is likely to result in violence; or
  - ii. In violation of off-limits sanctions, other lawful orders, or laws.
- i. Distributing literature or other promotional materials that is likely to incite extremist activities.
- j. Knowingly receiving material support or resources from a person or organization that incites or participates in extremist activities with the intent to use the material support or resources in support of extremist activities.

- k. When using a government or law enforcement communications system and, with the intent to support extremist activities, knowingly accessing internet web sites or other materials that are likely to incite extremist activities.
- l. Knowingly displaying paraphernalia, words, or symbols in support of extremist activities or in support of groups or organizations that engage in extremist activities, such as flags, clothing, tattoos, and bumper stickers.
- m. Engaging in electronic and cyber activities that are likely to incite extremist activities, or support groups that engage in extremist activities – including posting, liking, sharing, re-tweeting, or otherwise distributing content – when such action is taken with the intent to promote or otherwise endorse extremist activities. Law enforcement personnel are responsible for the content they publish on all personal and public Internet domains, including social media sites, blogs, websites, and applications.
- n. Knowingly taking any other action in support of, or engaging in, extremist activities, when such conduct is prejudicial to good order and discipline or is discrediting to law enforcement.

#### **4) Necessary changes to the proposed standards for targeting related to a real or perceived protected characteristic**

In section 265-010-0020, we recommend that the section be revised to read:

A disciplining body shall impose upon a law enforcement officer disciplinary action of termination upon a finding that the officer engaged in misconduct in violation of statutory or constitutional law by intentionally targeting an individual for a suspected violation of law based on the individual's real or perceived race, ethnicity, national origin, color, sex, gender identity, sexual orientation, age, religion, physical or mental disability, or homelessness:

For consistency with protected statuses under Oregon and federal law, the following protected statuses were added as characteristics that cannot be intentionally targeted without disciplinary consequence: color, age, and physical or mental disability.

Also, "based solely on the individual's real or perceived ..." was changed to "based on the individual's real or perceived ..." to capture situations where there may be multiple potential reasons for targeting an individual, which include their real or perceived protected characteristic(s).

## 5) Necessary changes to the proposed standards for sexual harassment and use of drugs or alcohol while on duty

For sexual harassment and the use of drugs or alcohol while on duty, the presumptive sanction should be termination and the mitigated sanction should be demotion, suspension without pay, or salary reduction. These are serious types of misconduct for an officer whose duty is to enforce the law and garner public trust, and there should not be an option to only issue a letter of reprimand.

\* \* \*

The Commission's current proposed standards do not meet the mandate provided to the Commission by the Oregon Legislature nor the trust of the public. Therefore, the Commission should not move forward with their original proposed standards mostly intact, without changes that substantively respond to civil rights and government accountability advocates and members of the public – changes that we have set out in this letter and are providing in a redline of the proposed standards.

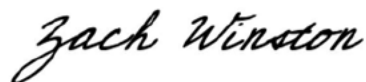
If for some reason the Commission believes that they need to move forward with their proposed standards without substantive changes due to deadline requirements, the Commission should proceed no further and notify the Legislature that the Commission was unable to develop standards consistent with their mandate and let the Legislature take next steps in this process.

We urge the Commission to be responsive and accountable to the people of Oregon and only proceed with standards that will create real, uniform accountability for officers across Oregon.

Respectfully,



Sandy Chung  
Executive Director  
ACLU of Oregon



Zach Winston  
Director of Policy and Outreach  
Oregon Justice Resource Center

Enclosures: Proposed standards with redline changes strongly recommended by ACLU of Oregon and OJRC (pdf and word copies)

**Archived:** Friday, September 16, 2022 5:22:00 PM

**From:** [Pacific Northwest Family Circle](#)

**Mail received time:** Fri, 16 Sep 2022 23:00:29

**Sent:** Fri, 16 Sep 2022 15:59:49

**To:** [ORLawEnf Commission](#)

**Subject:** Comment for Commission

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Dear Commissioners,

My name is Maria Rossi Cahill and I'm a spokesperson for Pacific Northwest Family Circle. We are a non-profit that unites Families whose Loved Ones were killed by police, and our mission is police accountability.

We appreciate this opportunity to bring our direct lived experience with police violence to this rulemaking effort, which is intended to prevent harmful police officers from repeating past harms. But as we read the language of these proposed rules, we are looking for the answer to the question, "How will these rules encourage police officers in Oregon to do less harm and more good?" And "How will these rules remove dangerous police officers to prevent more harm?"

Removing harmful officers from service is important to us because we know that over 400 people have been killed by Oregon law enforcement in the last 30 years and not one officer has been held accountable. We have multiple members in our organization whose Loved Ones were killed by an officer who had killed before, yet was never disciplined. We have multiple members whose Loved Ones were killed by officers who subsequently received a medal with accolades, celebrating their role in the death of a Loved One, rather than receiving any sort of discipline. And we have multiple members whose Loved Ones were killed by officers who were subsequently promoted, thus leading the next generation toward dangerous behavior that the system passively condones.

Our conclusion is that discipline standards are sorely needed but there is very little in what was proposed that will spark the kind of culture change that we need to see. Here are our specific concerns.

1.

**There**

**needs to be a higher bar for discipline.** Officers should be held to at least the same standard as any community member, and preferably a much higher standard because they are given legal authority to use physical and lethal force to impose their will. According to the proposed rules, of the eight specified behaviors requiring discipline, six of them can be

reduced from “termination” to “written reprimand” or “demotion” through a “mitigating factor.” If a community member were found guilty of sexual assault, or a homicide through physical assault, would they be able to reduce their punishment by claiming “a positive employment history?” Families conclude that, in order to be effective at preventing misconduct and murder by police, the highest bar for discipline should be something to the effect of, “Fired and referred for criminal prosecution,” the same as any civilian under the same circumstances for all crimes addressed in the new standards.

2.

### **Mitigating**

**Factors:** Given the importance of the “mitigating factors” in reducing consequences for poor, and sometimes deadly, behavior, how those factors are determined and applied needs to be carefully considered and explained. This is entirely missed in the proposed standards. What is the standard for a particular “mitigating factor?” Who decides if the circumstances warrant it? “Role of the Officer (subordinate to supervisor on scene)” is a mitigating factor. Yet all three of Derek Chauvin’s partners in George Floyd’s death were criminally tried. Would any of them have even been disciplined under these new proposed standards for Oregon?

3.

### **Opportunity**

**missed to discipline additional bad behaviors.** The Commission was charged with developing discipline standards for a minimum list of seven officer behaviors as specified in HB 2930. The Commission has proposed standards for the required seven plus a special consideration for “Unjustified or Excessive Use of Deadly Physical Force” (to be distinguished from “Unjustified or Excessive Use of Physical Force”, which can be mitigated). Family Members believe the Commission has missed an opportunity to provide standards for additional unacceptable behaviors that reduce trust and increase fear in Law Enforcement officials and should not be tolerated. These behaviors, which Family Members have experienced or witnessed, include police harassment, intimidation, evidence mishandling and/or tampering, and failure to consider language barriers or sensory disabilities.

4.

### **There**

**needs to be more clarity in the language of the proposed rules.** For example, when we look up the definition for sanction, it has two opposite meanings, one that discipline has been applied and one that allows behavior to continue. We understand that a tool for discipline probably implies the former definition. Yet, the reprimand option for discipline is such a low bar, we feel that the word sanction needs to be explicitly defined for which meaning is implied.

5.

### **Finally,**

**there needs to be a more balanced membership structure on the Commission.**

In our analysis, all but 4 people on the Commission are friendly to police or work with police on a regular basis. If we admit that there is really no currently effective way to police the police, and drawing on Family Members direct experience with police intimidation, it is easy to see how even the 4 people who are not friendly to police or work with them regularly



can fall prey to police influence and intimidation. While we see value in the roles that were defined for the positions, we are concerned with the actual people who currently fill those roles. We advocate for a new position or position(s) to be added that includes people in Oregon whose Loved One(s) were killed by police. People like the Families of Pacific Northwest Family Circle, who have the lived experience and aren't afraid to work towards police accountability, would be ideal candidates for this Commission.

In closing, we ask you to think more critically about the reality of policing in the State of Oregon. None of our Families ever thought we would lose a loved one to police violence, and yet here we are. We think you should ask yourselves, "How are these standards going to prevent police violence and its devastating consequences from happening to other Families, including my own?" Because if it happened to us, it could happen to you.

This testimony is offered in Loving Memory of PNWFC Loved Ones and All Stolen Lives"

Rossi Cahill  
they/them pronouns

writing to you from the Stolen Land of the Multnomah, the Chinook, and many other Peoples not named here

---

This email address is shared by:

Irene Kalonji & Shiloh Wilson-Phelps & Maria Rossi Cahill  
Co-Founder Co-Founder Volunteer Supporter

### **Pacific Northwest Family Circle**

PO Box 16522

Portland, OR 97292

971-350-5433

Instagram: @pnwfamilycircle

Twitter: @PNWFamilyCircle

[www.pnwfamilycircle.org](http://www.pnwfamilycircle.org)

This email is sent In Loving Memory of PNWFC Loved Ones and All Stolen Lives:

19 year-old Christopher Kalonji

22 year-old Bodhi Phelps

25 year-old Chance Thompson

17 year-old Moose Hayes "Quanice"

24 year-old Terrell Johnson

27 year-old Chase Hammer

21 year-old Brad Lee Morgan

27 year-old Daniel Isaac Covarrubias

29 year-old Alex Dold

49 year-old Captain Brian A. Babb

(alive) Andre Thompson

(alive) Bryson Chaplin

44 year-old Deano Case

54 year-old Remi Sabbe

48 year-old John Elifritz

43 year-old Jesse Powell

27 year-old Patrick Kimmons  
35 year-old Matthew Burroughs  
36 year-old Andre Gladen  
20 year-old Giovanni Joseph-McDade  
29 year-old Joel Nelson  
31 year-old Titi Gulley  
16 year-old Brian Guy Dixon  
29-year-old Wesley Allen Barbee  
40 year-old Elibrio "Eli" Rodrigues  
(alive) Melvin Lewis Dillon  
(alive) Robert Dillon  
25-year-old Keaton Otis  
33-year-old Stacy Kenny  
42-year-old James Chasse  
24-year-old Herbert Hightower Jr.  
25-year-old Jesse Sarey  
37-year-old Bill Brown  
32-year-old Chase Brooks

**Archived:** Friday, September 16, 2022 5:24:10 PM

**From:** [William Reeves](#)

**Mail received time:** Fri, 16 Sep 2022 23:04:37

**Sent:** Fri, 16 Sep 2022 16:04:32

**To:** [ORLawEnf Commission](#)

**Subject:** Proposed Rules for Implementing HB2930

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

As a citizen of Oregon who is passionate about social justice, I urge a “NO” vote on the proposed rules for implementing HB2930. As the Civil Liberties Defense Center has pointed out, these rule “utterly fail” to provide standards to accomplish any of the bills intentions!

Respectfully,

Barry Reeves MD  
Corvallis, OR

**Archived:** Friday, September 16, 2022 5:26:05 PM

**From:** [Pat Bryan](#)

**Mail received time:** Fri, 16 Sep 2022 23:08:58

**Sent:** Fri, 16 Sep 2022 16:08:42

**To:** [ORLawEnf Commission](#)

**Subject:** Draft Rules on State Law Enforcement Conduct & Discipline

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Dear Commissioners: I applaud your efforts to revise the rules for law enforcement conduct and discipline. We have witnessed across the state of Oregon numerous occasions on which law enforcement officers have used excessive force or otherwise breached the community's expectations for impartial conduct in performing their duties. When these occasions take place, in most cases the officers act with impunity and experience little or no disciplinary action. In many cases, they are quietly let go, only to be hired by another law enforcement agency. Public confidence in law enforcement is eroded and community safety is weakened when law enforcement personnel are not held accountable for breaches of conduct.

Much needs to change to remedy this breakdown in our social contract. One element I wish to emphasize is the necessity for law enforcement personnel to distance themselves from any organization which espouses white nationalism or white supremacy. Just as the Ku Klux Klan inspired, supported and carried out acts of terror and suppression for decades earlier in our history, current groups such as Oath Keepers and Patriot Prayer inspire, support and carry out racist, anti-Semitic, anti-LGBTQ acts of terror and suppression. No law enforcement personnel in the state of Oregon can carry out their duties impartially while in association with a hate group. I urge you to incorporate a zero-tolerance policy into the draft rules.

Respectfully submitted,

Patricia Bryan

**Redacted**

**Archived:** Friday, September 16, 2022 5:28:12 PM

**From:** [chelsea910@nym.hush.com](mailto:chelsea910@nym.hush.com)

**Mail received time:** Fri, 16 Sep 2022 23:10:57

**Sent:** Fri, 16 Sep 2022 16:10:52

**To:** [ORLawEnf Commission](#)

**Subject:** Stop police and their accomplices from co-opting a state process to shield bad cops

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

To Whom it may concern:

The Oregon state legislature deserves our gratitude and praise for establishing the Commission on Law Enforcement Standards of Conduct and Discipline. The legislature responded to Oregon's weak police accountability mechanisms, among the worst in the nation.

However the Commission is off to a rocky start. According to the ACLU, seven of the 13 voting members are police professionals or in police-adjacent professions. Two are police chiefs, one a sheriff, three are lawyers who represent police unions or police, and one is the executive director of the Oregon prosecutor's association. The Commission should have voting representatives — plural — of families injured police violence and experts on the endemic problem of police committing crimes and police forces shielding them.

Any inclination to give this Commission the benefit of doubt was erased when the Commission issued proposed a set of rules. The proposal is a weak collection of vaguely defined mitigating circumstances; options for retention on the force (or maybe even a pass) for officers who commit racism or discriminatory acts; and silence on the question of membership in extremist groups.

**Some mitigating circumstances are loopholes:**

Under the proposed rules, the Commission can issue nothing more than a written reprimand if it finds any of these — or other — mitigating circumstances:

- “(n) Extraordinary circumstances or hardships that may be relevant.
- (o) The lack of training or experience that is germane to the incident.
- (p) Other relevant factors are present that justify imposing a mitigated sanction.”

These three especially are so ill-defined that it's hard to imagine how they could provide guidance for anything but an exit ramp.

**Police committing racist, discriminatory crimes can stay on the force:**

Another loophole is in the section on “Crimes 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 (OAR 265-010-0020). The least disciplinary action is demotion. However, here's the loophole:

- (2) It is not misconduct under this rule if the law enforcement officer is acting on a suspect description or information related to an identified or suspected violation of a provision of law.

Why would it be all right to commit a racist or otherwise discriminatory action when acting on a tip? At this point the proposed rules start to sound like a re-write of qualified immunity and not a strategy for using accountability to reform our police departments.

**Police can belong to racist, anti-gay, anti-government groups:**

Last but not least, the rules have no disciplinary actions for joining groups that espouse white supremacy, attacks on individuals from marginalized groups, violent overthrow of the government or attacks on government officials. Membership in groups like these should result in termination, with no mitigating circumstances and no lighter disciplinary options.

Honestly, the Commission membership needs to be re-structured. If the Commission cannot legally be reconstituted, the current Commission needs to show good faith by re-writing these rules. I urge clear, operationally defined standards by which the Commission's decisions can be easily measured. All fuzzy mitigating circumstances that like the ones cited above must go, along with any others that would encourage giving protection to police who commit crimes. As we have done for so long. Also, the rules should prohibit membership to terrorist, anti-democratic hate gross.

Oregon received a D+ from the Institute for Justice for its accountability rules. These proposed rules deserve a D+ too.

Signed,  
Chelsea E. Cantone  
Portland, Oregon

**Archived:** Friday, September 16, 2022 5:30:25 PM

**From:** [Mia Marquez](#)

**Mail received time:** Fri, 16 Sep 2022 23:11:37

**Sent:** Fri, 16 Sep 2022 16:11:21

**To:** [ORLawEnf Commission](#)

**Subject:** Stop police and their accomplices from co-opting a state process to shield bad cops

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

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However the Commission is off to a rocky start. According to the ACLU, seven of the 13 voting members are police professionals or in police-adjacent professions. Two are police chiefs, one a sheriff, three are lawyers who represent police unions or police, and one is the executive director of the Oregon prosecutor's association. The Commission should have voting representatives — plural — of families injured police violence and experts on the endemic problem of police committing crimes and police forces shielding them.

Any inclination to give this Commission the benefit of doubt was erased when the Commission issued proposed a set of rules. The proposal is a weak collection of vaguely defined mitigating circumstances; options for retention on the force (or maybe even a pass) for officers who commit racism or discriminatory acts; and silence on the question of membership in extremist groups.

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- (o) The lack of training or experience that is germane to the incident.
- (p) Other relevant factors are present that justify imposing a mitigated sanction.”

These three especially are so ill-defined that it's hard to imagine how they could provide guidance for anything but an exit ramp.

#### **Police committing racist, discriminatory crimes can stay on the force:**

Another loophole is in the section on “Crimes 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 (OAR 265-010-0020). The least disciplinary action is demotion. However, here's the loophole:

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Honestly, the Commission membership needs to be re-structured. If the Commission cannot legally be reconstituted, the current Commission needs to show good faith by re-writing these rules. I urge clear, operationally defined standards by which the Commission's decisions can be easily measured. All fuzzy mitigating circumstances that like the ones cited above must go, along with any others that would encourage giving protection to police who commit crimes. As we have done for so long. Also, the rules should prohibit membership to terrorist, anti-democratic hate groups.

Oregon received a D+ from the Institute for Justice for its accountability rules. These proposed rules deserve a D+ too.

Signed,



**Archived:** Friday, September 16, 2022 5:33:07 PM

**From:** [Elizabeth Utterback](#)

**Mail received time:** Fri, 16 Sep 2022 23:23:38

**Sent:** Fri, 16 Sep 2022 16:23:22

**To:** [ORLawEnf Commission](#)

**Subject:** Public Comment Regarding Conduct & Discipline Standards

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Dear Commissioners,

I gave oral testimony this week about the draft rules. I agree there need to be standards for conduct and discipline for all LEO in Oregon, but I do not agree with your final product. I do not believe the draft rules will create a standard because of the number of mitigating factors and potential for loopholes. I am also concerned that the makeup of the commission didn't include people directly impacted by police violence or their family members, plaintiff's attorneys that would represent someone harmed by police, or social workers and therapists that uniquely understand the trauma associated with police violence and the benefits of de-escalation.

In Springfield, OR where I live, discipline records are only held for two years and the Lane County Sheriff's Office doesn't document verbal reprimands. Therefore, the mitigating factor for "positive employment history" cannot be accurately evaluated. I suggest removing this mitigating factor for that reason. The mitigating factor for "other relevant factors that are present that justify imposing a mitigated sanction" is a get out of jail free card and must be removed as well.

Moreover, there is no ethical reason to allow mitigating factors for the following conduct areas: sexual assault, unjustified or excessive use of physical force, or targeting based on protected class. These offenses are all against the law and LEOs are not above the law. Remove mitigating factors for these conduct areas. In my testimony I noted the zero tolerance polices in the high school I went to. Why are students held to a higher conduct standard than LEO?

The FBI has warned of members of hate groups infiltrating law enforcement and OPB has also reported on this. The commission must identify discipline standards for membership of hate groups. A member of a hate group has no reason to be serving the public since their views don't allow them to see the public as equals.

I understand you are on a time crunch. Please work with the legislature to reconfigure this commission to include the perspectives that are missing and to extend the deadlines so you can bring forth meaningful standards that will create a culture of safety and care and accountability. As currently written, I do not believe the standards will have a meaningful impact. The people of Oregon, including LEOs, deserve conduct and discipline standards that will have the effect that HB 2930 intended.

Sincerely,

Lizzy Utterback

Springfield, OR

**Archived:** Friday, September 16, 2022 5:35:31 PM

**From:** [owen ott](#)

**Mail received time:** Fri, 16 Sep 2022 23:50:55

**Sent:** Fri, 16 Sep 2022 16:50:40

**To:** [ORLawEnf Commission](#)

**Subject:** Public Comment Regarding Conduct & Discipline Standards

**Importance:** Normal

**Sensitivity:** None

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**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Dear Commissioners,

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There is no ethical reason to allow mitigating factors for the following conduct areas: sexual assault, unjustified or excessive use of physical force, or targeting based on protected class. These offenses are all against the law and LEOs are not above the law. Remove mitigating factors for these conduct are

The FBI has warned of members of hate groups infiltrating law enforcement and OPB has also reported on this. The commission must identify discipline standards for membership of hate groups. A member of a hate group has no reason to be serving the public since their views don't allow them to see the public as equals.

Another huge issue is the amount of money being drained by lawsuits against police departments and cities. If the departments would actually discipline officers, these cities might not be in financial trouble.  
(<https://www.washingtonpost.com/investigations/interactive/2022/police-misconduct-insurance-settlements-reform/>)

I understand you are on a time crunch. Please work with the legislature to reconfigure this commission to include the perspectives that are missing and to extend the deadlines so you can bring forth meaningful standards that will create a culture of safety and care and accountability. As currently written, I do not believe the standards will have a meaningful impact. The people of Oregon, including LEOs, deserve conduct and discipline standards that will have the effect that HB 2930 intended.

Sincerely,

Owen Ott

Springfield, OR

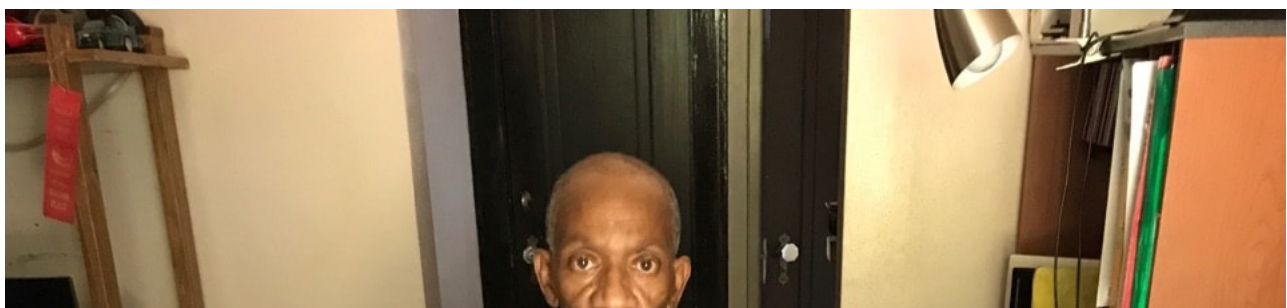
**UNACCOUNTABLE**

# Insurers force change on police departments long resistant to it

The high cost of settlements over police misconduct has led insurers to demand police departments overhaul tactics or forgo coverage



The aftermath of a crash that occurred as police chased this white minivan in St. Ann, Mo., in 2017. Another motorist, Brent Cox, suffered permanently disabling injuries when the fleeing vehicle struck his car. (Provided by Rana Law Group)





Brent Cox is seen at age 55 in 2017, the year he suffered life-changing injuries when his car was struck by the fleeing vehicle in a police pursuit in St. Ann, Mo. (Provided by Rana Law Group)

By [Kimberly Kindy](#)

Sept. 14, 2022

   1879

**ST. ANN, Mo. —** A patrol officer spotted a white minivan with an expired license plate, flipped on his lights and siren, and when the driver failed to stop, gave

chase. The driver fled in rush-hour traffic at speeds of up to 90 mph, as other officers joined in the pursuit. Ten miles later, the van slammed into a green Toyota Camry, leaving its 55-year-old driver, Brent Cox, permanently disabled.

That 2017 police chase was at the time the latest in a long line of questionable vehicle pursuits by officers of the St. Ann Police Department. Eleven people had been injured in 19 crashes during high-speed pursuits over the two prior years. Social justice activists and reporters were scrutinizing the department, and Cox and others were suing.

Undeterred, St. Ann Police Chief Aaron Jimenez stood behind the high-octane pursuits and doubled down on the department's decades-old motto: "St. Ann will chase you until the wheels fall off."

Then, an otherwise silent stakeholder stepped in. The St. Louis Area Insurance Trust risk pool — which provided liability coverage to the city of St. Ann and the police department — threatened to cancel coverage if the department didn't impose restrictions on its use of police chases. City officials shopped around for alternative coverage but soon learned that costs would nearly double if they did not agree to their insurer's demands.

---

## UNACCOUNTABLE

An examination of policing in America amid the push for reform.

[Explore more stories in this series.](#)

Listen to Broken Doors

[The Post's podcast investigates no-knock search warrants.](#)

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Jimenez's attitude swiftly shifted: In 2019, 18 months after the chase that left Cox permanently disabled, the chief and his 48-member department agreed to ban high-speed pursuits for traffic infractions and minor, nonviolent crimes.

“I didn’t really have a choice,” Jimenez said in an interview. “If I didn’t do it, the insurance rates were going to go way up. I was going to have to lose 10 officers to pay for it.”

Where community activists, use-of-force victims and city officials have failed to persuade police departments to change dangerous and sometimes deadly policing practices, insurers are successfully dictating changes to tactics and policies, mostly at small to medium-size departments throughout the nation.

The movement is driven by the increasingly large jury awards and settlements that cities and their insurers are paying in police use-of-force cases, especially since the 2020 deaths of Breonna Taylor and George Floyd. Those cases led to settlements of \$12 million and \$27 million, respectively. Insurance companies are passing the costs — and potential future costs — on to their law enforcement clients.

Larger law enforcement agencies — like the Los Angeles Sheriff’s Department or the New York Police Department — handle it in different ways, often by creating a special fund to finance settlements or by paying those costs from the county’s or city’s general fund. This insulates them from external demands by insurers.

Departments with a long history of large civil rights settlements have seen their insurance rates shoot up by 200 to 400 percent over the past three years, according to insurance industry and police experts.

Even departments with few problems are experiencing rate increases of 30 to 100 percent. Now, insurers also are telling departments that they must change the way they police.

[In St. Ann](#), the impact has been profound.

St. Ann Police Chief Aaron Jimenez in St. Ann, Mo., in 2021. Jimenez had favored chasing all fleeing vehicles but curtailed the practice at the insistence of his department's insurer because of pursuit-related damage and injury claims. (Whitney Curtis for The Washington Post)

Since the retooling, which took effect in January 2019, the number of police pursuits annually has increased slightly, but crashes during pursuits have dropped: from 25 in 2018 with eight injuries to 10 in 2021 with three injuries, according to data provided by the department. So far this year, the department says, there have been three crashes with no injuries.

The forced changes prompted Jimenez to equip his patrol cars with new technology to help nab motorists who try to outrun police. Sticky darts containing GPS trackers are shot from the front of patrol cars onto the backs of vehicles that speed away, so officers can fall back and catch up with them later.

While dozens of arrests have been made using the GPS technology, overall arrests in the city have fallen more than 30 percent since the change. Jimenez attributes that drop primarily to officers' inability to chase motorists for minor infractions. "If you're a proactive police department and you go out there and you search for a crime, your stats are higher because you're fighting crime, you're chasing more cars, you're making more arrests," he said.

John Chasnoff, a local activist who fought for years to get St. Ann to retool its chase policy, said he is dismayed that the catalyst for change was money — not the injuries to people including Cox.

"It's an indictment on St. Ann police and their priorities that the voice of their insurers spoke louder than human lives," Chasnoff said.

The insurer's demands for St. Ann police also affected departments beyond this blue-collar town of about 13,000 people. The city is just one of a dozen in the St. Louis risk pool, which has required each city to overhaul its police pursuit policy.

There is no public data tracking how many police departments have made policy changes at the behest of their insurers. But the changes are widespread, affecting thousands of departments, according to interviews with more than two dozen insurance analysts, police reform experts and a review of hundreds of pages of insurance documents.



[In Vallejo, Calif.](#), the city's insurance risk pool threatened in 2017 to end coverage because of mounting police use-of-force claims unless officials agreed to a higher deductible — a jump from \$500,000 per claim to \$2.5 million per claim. The city instead joined a high risk insurance pool in California. Because of increased demand from troubled departments for its services, the California group has begun offering coverage nationwide. Vallejo officials did not respond to a request for comment.

Entire states are having to adjust to insurers' demands. In New Mexico, the largest risk pool — which provides coverage for one-third of the state's police officers — hired an instructor last year to travel the state and retrain officers in de-escalation skills after private insurance rates climbed by more than 60 percent. The risk pool that insures 30 of the state's 33 sheriff departments also saw coverage shrink while rates shot up 50 percent over the past three years because of police use-of-force claims.

Across the country, allegations over police conduct are often settled by departments at taxpayers' expense: A [Post investigation](#) in March documented more than \$3.2 billion spent over the past decade to resolve nearly 40,000 claims at 25 of the nation's largest police and sheriff's departments.

Concerns about insuring troubled departments have been building for years.

In 2009, a local insurance risk pool warned the 60 officer Maywood Police Department in California that it would lose its coverage if it did not enact more than a dozen changes focused on reducing violent encounters with the public. When police failed to do so, the risk pool pulled its coverage, and the department disbanded.

“When the officers had to turn over their badges and radios for the final inspection the last day, it was the most emotional thing I've ever experienced in my law enforcement career,” said Frank Hauptmann, who was Maywood police chief at the time. “When we did our final salute, each officer had tears streaming down their faces.”

For some police departments, insurers are refusing even to provide initial coverage unless they change their policies on a variety of matters including body cameras and chokeholds, according to industry experts.

“I’ve been doing this for 40 years, and this represents a major shift,” said John Chino, a broker who secures insurance for cities and counties in six states. “They are asking lots of very detailed questions. ‘Do they use chokeholds? What does their de-escalation training look like?’ If they aren’t doing something on the list, they are required to get it if they want coverage.”

---

## More claims, fewer insurers

Officer Colin Rumpsa of the St. Ann police speaks with a colleague during a traffic stop in Berkeley, Mo., in

July 2021. The St. Ann force had to moderate its use of high-speed chases because of rising insurance costs. (Whitney Curtis for The Washington Post)

Tamika Palmer, second from left, prepares to address the media in Louisville on Aug. 4, 2022, in response to the announcement of federal civil rights charges against four current and former Louisville police officers for their roles in the fatal shooting of her daughter Breonna Taylor in 2020. (Amira Karaoud/Reuters)

**These forced changes are taking place at police departments in neighboring cities and counties that work together to create insurance risk pools. Their collective buying power helps them secure lower rates.**

**Members pay a “contribution” to the pool to provide a first layer of coverage, but most pools also purchase additional coverage on the private market.**

**For police departments within these pools, the serious risks they may take can also drive up rates and deductibles for other members. Because of this, the pool may threaten to expel a city, county or township if its police department refuses to take steps to minimize risk.**

“The members help police themselves,” said Alexander T. Brown, a lawyer who specializes in insurance settlements for civil rights plaintiffs. “It’s a joint self-insurance program, and they are motivated to keep the pools solvent because it’s the members’ own money.”

Working with insurers, cities and counties often will write checks to settle claims of police misconduct to avoid the additional costs of fighting the allegations in court. The increased scrutiny of police has led them to settle cases more quickly to avoid jurors who also may now be more likely to second-guess officers and their tactics.

“It’s been such a shift, and it’s happened so quickly,” said Izaak Schwaiger, an attorney who has settled dozens of civil rights lawsuits for plaintiffs against police. “The last time I went to a settlement conference, the city basically told me they were going to capitulate to what I demanded. That never used to happen before.”

Chino, the insurance broker who operates in six states, said settlement negotiations that once took years now take months. And the payouts have skyrocketed. “The settlement for Breonna Taylor was \$12 [million]; that would have been \$2 million just a few years ago,” he said.

As a result, the number of insurers willing to provide coverage for police departments with a history of large settlements is shrinking.

Ben Eggert, a lawyer who represents municipalities in claims and settlements, said that five or six years ago, brokers such as Chino orchestrated bidding wars between insurers for coverage. “There was tremendous competition,” he said. “The insurance broker could play the different insurance entities off one another.”

Now that the power has shifted to the insurer, some have wondered whether this actually could threaten public safety.

Steve Hebbe, the immediate-past president of the New Mexico Association of Chiefs of Police, said he believes it is a conflict of interest for insurers to be crafting department policies. Some of the riskiest calls to which patrol officers respond — domestic violence, threats of suicide or disorderly conduct — might be curtailed or eliminated by insurers, he said.

“Their goal is to have no injuries or accidents, but that isn’t realistic, and that isn’t policing,” Hebbe said. “We send officers to do dangerous things that other people don’t want to do. Their profits are hurt by the risky things we do.”

---

## A tipping point in Springfield

Barbara Kenny and her husband, Chris Kenny, hold a photo of their child Stacy Kenny in Lane County, Ore., in October 2020 — tacy Kenny who had

schizophrenia, was fatally shot by Sgt. Rick Lewis of the Springfield, Ore., police during a traffic stop on March 31, 2019. (Joshua Lott/The Washington Post)



Surveillance video, 911 audio show the events surrounding Stacy ...

In Springfield, Ore., complaints and settlements involving excessive force by police became so costly two years ago that the city's insurance risk pool, Citycounty Insurance Services, was given oversight of overhauling the 82-member police department.

The tipping point came on March 31, 2019, when Springfield officers shot and killed Stacy Kenny, an unarmed 33-year-old motorist with schizophrenia who had been pulled over because she was exhibiting "weird" behavior, records show. (The Post [previously reported](#) on Kenny's death).

A 911 recording captured the encounter that began with Kenny begging an emergency operator to explain why police had stopped her. Kenny then can be heard screaming. Officers smashed the windows of her red Nissan, used a Taser on her twice, punched her in the face more than a dozen times and tried to pull her out of her car by her hair, police and court records show.

But Kenny was anchored to the car by a locked seat belt. Her life ended when she tried to flee by driving away with one of the officers still inside the car. On the recording, there's a burst of gunfire, then an officer says: "We are all okay. Bad guy down."

Kenny had legally changed her gender but presented as male, so officers believed she was a man.

Her parents filed a wrongful death claim and sued the city. Barbara and Chris Kenny said that as they pressed for answers, they discovered serious deficiencies with the department's process for reviewing violent police encounters. Officers involved in the fatal incident later testified in depositions that the department never conducted an internal investigation of the shooting.

"A human being died that night and all they did was issue a one-page crappy memo. We asked ourselves, 'How do we prevent this from happening to someone else in the future?'" Barbara Kenny said. "It felt like we had the opportunity to make a difference because what happened was so egregious."

The Kennys told city officials during settlement negotiations that any agreement would need to include a plan for systemic use-of-force reforms and anti-bias training that would help officers better deal with minorities and people with mental disabilities. They insisted that an external monitor — not a city employee — provide unbiased progress reports on the changes.

As the city and Citycounty Insurance Services negotiated the settlement with the Kennys in summer 2020, city officials learned that the cost of insuring police in the community of 64,000 residents was about to spike.

Misconduct and employment claims against Springfield police over the past five years totaled \$8.5 million, of which the risk pool had paid at least \$2 million, according to city records and court documents.

The city's deductible would jump from \$100,000 to \$250,000 for each claim filed against the police department "due to several large police and jail claims in recent years," according to city records.

The city's insurance broker, Ron Cutter, looked elsewhere for coverage, but only Citycounty Insurance Services was willing to offer a policy, records show.



Cutter told city Risk Manager Ted Mugleston in an email that the city did not "have a ton of leverage to negotiate" a set of changes the risk pool was requiring for contract renewal, and Cutter hoped that did not give the police chief "any heartburn." Mugleston declined interview requests. Cutter did not respond to requests for comment.

Weeks later, one of Springfield's police officers was recorded on video laughing about a teenage protester being injured during a [protest march](#), on July 29, 2020, according to a lawsuit filed by Civil Liberties Defense Center, a legal organization that defends activists in civil rights cases. The lawsuit alleges that police caused the injury.



“We finally did something!” officer Daniel Casarez can be heard saying on the video recording, as he and another officer laugh in the background at the protest, organized by Black Unity, a local police abolition group. “That stupid 12-year-old [inaudible] took it right in the f----in’ face ... at least we f----n’ took a stand, just once.”

Later that night, counterprotesters swarmed in and hit the Black Unity protesters with their fists, a flashlight and a flagpole, city records and video show. Police failed to intervene that night, according to an independent review of the episode commissioned by the city.

“There has long been a cowboy culture in the department,” said Lauren Regan, an attorney with the Civil Liberties Defense Center that filed the lawsuit on behalf of Black Unity protesters. The lawsuit, which named former police chief Richard L. Lewis and 25 officers including Casarez, seeks numerous changes at the department, including establishment of a new hiring committee that will include people of color and civilians from the community.

Casarez declined to comment, and his attorneys did not respond to calls seeking comment. Police Chief Andrew Shearer, who took over the department last year, said he could not comment on pending litigation.

Police in Springfield, Ore., and Black Unity protesters in a confrontation in July 2020. Springfield's police are among multiple U.S. police departments that have been pushed by their insurers to exercise greater restraint, including in the use of force. (Andy Nelson/AP)

In September 2020, with the approval of the Springfield City Council and the city manager, the insurance risk pool agreed to pay the Kennys \$4.55 million — the largest police settlement in the history of Oregon.

The city also met the family's other demands: In addition to de-escalation training and a new process for reviewing use-of-force incidents, the city agreed to create an awards program that recognizes officers who peacefully resolve potentially perilous encounters with civilians. The department also agreed to adopt a policy stating that officers “value and preserve human life” and “strive to use the minimum force necessary to accomplish their lawful objectives.”

The city appointed its insurer to monitor the changes, something the Kennys' attorney, Dave Park, said he had never seen in his 40 years of litigating police civil rights cases.

To the Kennys, it made perfect sense.

“I couldn't understand why the insurance company wasn't mad as hell at the department,” said Barbara Kenny. “They were the ones who had to keep paying out. They seemed like a natural partner for us on reforms. If we made the department better, don't you think the costs would go down?”

In June 2021, when Springfield officials took steps to renew the police department's insurance coverage, Citycounty Insurance Services doubled the deductible the city had to pay per claim from \$250,000 to \$500,000 — and gave them an ultimatum.

“Should the City see police and jail claims with the same frequency and severity as experience[sic] during the last 10 years, we will either be dropped from coverage, or general liability claim costs are anticipated to increase an average

\$300,000 annually for the foreseeable future,” Mogleston wrote in a memo to city council members on June 7, 2021.

This summer, however, city council members were told that there would be no additional increase in Springfield’s deductibles for fiscal 2022-2023, records show.

Citycounty Insurance Services declined to be interviewed. In a statement, Dave Nelson, a deputy director with the risk pool, credited city officials, including Shearer, with “the hard work necessary to change the culture in the police department. The change in leadership has made a significant difference.”

Since assuming oversight of the overhauls, the insurance risk pool has required dozens of additional changes, including an updated cadet screening process to preemptively root out rogue officers. [But accusations of misconduct persist.](#)

Springfield Officer Brian Bragg, who is named in the Black Unity lawsuit, was accused in June of using excessive force.

At an abortion rights protest in a neighboring town, Bragg allegedly smashed a baton into a female protester’s sternum. Another officer was recorded on video telling her to leave to avoid being struck again. Shearer said he has ordered an internal affairs investigation of the matter. Bragg and his lawyer did not return calls seeking comment.

“There’s definitely a toxic warrior culture that has permeated SPD [Springfield Police Department] and been a driving factor there,” said Brittney de Alicante, a member of the Springfield Police Advisory Committee, which acts as a liaison between the community and the department. “When it’s that deeply embedded into your culture, it’s a really hard cycle to break.”

Shearer said there has been measurable improvement. A recent report from the chief to the city council shows that from 2020 to 2021, the number of use-of-force incidents dropped from 229 to 190. Shearer acknowledges, however, that more needs to be done, and the insurance risk pool continues to identify problems

that he said he is working to address. The more active role of insurers, he said, has also changed the nature of the job for police chiefs.

“Frankly, there’s a hammer there because it’s costing the city a lot of money,” Shearer said in an interview. “Most police chiefs, when they take their job, they really think on a much wider scale: ‘How can I create a community that is safe and reduce crime rates and build trust in our community?’ But to have the actual dollar figure of the insurance rates at the front of their mind? That’s a relatively new problem.”

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## ‘You’re not out here’

St. Ann police Detective Daniel Rice, left, runs checks on a motorist as Officer Ben Freet provides backup during a traffic stop on Interstate 70 in Woodson

Terrace, Mo., in July 2021. (Whitney Curtis for The Washington Post)

The St. Ann Police Department is one of few in Missouri to use StarChase, a system that fires an attachable GPS tracker from a police car to a fleeing vehicle, allowing officers to avoid a risky chase and find the vehicle later via the tracker. (Whitney Curtis for The Washington Post)

At dusk one day last summer, St. Ann Detective Daniel Rice pulled his car into a gravelly median along Interstate 70, which cuts through the city and is an ideal spot for catching speeding motorists.

Rice said some drivers think the cover of night will allow them to freely rocket down the highway with fraudulent plates and outstanding warrants. Because of the changes imposed by insurers, catching them now is harder, he said, something that he and other St. Ann officers resent.

“An insurance company should have nothing to do with a police department’s policy,” Rice said, adding that insurance representatives should spend time in the field with patrol officers. “You’re not out here, and you don’t know what’s really going on.”

In interviews, several officers said that on average, two motorists a week now successfully flee when officers try to pull them over. Word is out that St. Ann police don't chase people as they used to.

"It builds their confidence, so they keep doing it over and over," Officer Benjamin Freet said of drivers who refuse to stop.

How much the city has been forced to pay out over police pursuits since the policy revamp is unclear. St. Ann City Manager Matt Conley said he cannot determine the full cost because city officials neither handle nor track settlements. "I don't keep any of the paperwork; the risk pool does," he said in an interview.

Because St. Louis Area Insurance Trust risk pool is a private entity, it does not have to disclose settlement costs, although its funding comes from taxpayers and its board of directors comprises city managers, including Conley. Officials with the pool did not respond to calls and emails seeking comment.

"It may not be nefarious, but they are concealing a lot of information that should be public," said John Rappaport, a law professor at the University of Chicago who has studied insurance risk pools.

Despite the drop in the number of crashes, Chief Jimenez said he still believes that police chases, even for minor traffic infractions, are justified. If people are fleeing from police for expired license tags, he said they usually have other legal problems — outstanding warrants, unregistered weapons or illegal drugs.

He thinks the mere fear of a chase by St. Ann police in the past kept criminals away.

"I've not been advertising that our policy has changed," Jimenez said. "I have to follow the times and listen to the insurance company, [but] I think this will wreak havoc on our communities. I still wish we could use it."

Since the overhaul, arrests have declined from about 900 to 600 annually. Major crimes reported have remained unchanged, records show.

Jimenez said he thinks that the pandemic has had an impact on the arrest numbers but that the drop in arrests is largely driven by the policy change.

“It’s because we’re not being able to chase them,” Jimenez said. “When someone is fleeing, 90 percent of the time it isn’t because of a traffic violation. When we stop them, we find guns, drugs, outstanding warrants.”

Police reform activists Elizabeth Vega and John Chasnoff are shown in St. Louis in July 2021. Both have contributed to efforts to impose restraints on the practices of the St. Ann Police Department. (Whitney Curtis for The Washington Post)

In St. Ann, the vehicle tracking system — called “StarChase” — allows officers to tag and track fleeing suspects without engaging in high-speed chases.

Officers fall back and, using the GPS coordinates, later catch up with suspects when they park. So far, St. Ann police officials say 58 arrests have been made using the technology, including one in June following a “road rage” incident.

Officers let the suspect flee and later tracked her to a ditch where she had crashed her SUV, records show. The technology is not perfect — officers have to be close enough to hit the target, and weather and the surface of the fleeing vehicle can inhibit the dart's ability to attach. But Freet and other officers say that overall, they like the technology.

“You should see the look on their face when we pull up,” Freet said of those who flee the police and are tracked down. “They think they’ve outrun us.”

The revamp forced one other change in St. Ann: the motto.

Police no longer claim to chase “until the wheels fall off,” Jimenez said.

“One of the things I’ve had to come to terms with is, since we changed our pursuits, our accidents are way down. We are doing a better job of keeping the public and our officers safe.”

Cox, the injured motorist whose case helped trigger the changes in St. Ann, said the entire ordeal with police felt like something from a bygone era. The high speed pursuit that left him drifting in and out of a coma for about a week started when police began chasing a motorist with an expired license plate — one that was overdue by only three weeks.

“It was like something from the ’20s and ’30s where you chase the bad guy in the car through town,” said Cox, who is now 60 and settled with the city for an undisclosed amount this year. Cox said that because of the crash he was unable to continue working as an auto mechanic. He said he has metal plates in his back and left ankle and has permanent nerve damage, chronic problems with his digestive tract and persistent back pain.

“I’m lucky to be alive.”

*Alice Crites and Julie Tate contributed to this report.*



*This story has been updated to include information about the increase in Springfield's deductible.*

### **About this story**

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