

OFFICE OF THE SECRETARY OF STATE
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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 265

COMMISSION ON STATEWIDE LAW ENFORCEMENT STANDARDS OF CONDUCT AND DISCIPLINE

FILED: 04/28/2026 3:56 PM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Amendments to Standards of Conduct and Disciplinary Procedures Applicable to Law Enforcement Officers

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 07/22/2026 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:

Toni Kemple
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 07/07/2026

TIME: 1:00 PM - 2:00 PM

OFFICER: Jeff Howes, Chair

IN-PERSON HEARING DETAILS

ADDRESS: Oregon Department of Justice, Pendleton, 700 SE Emigrant, Suite 100, Pendleton, OR 97801

SPECIAL INSTRUCTIONS:

All hearings will be conducted as hybrid meetings, providing an opportunity to give testimony either in person or virtually. For information regarding participation and how to participate virtually, please visit <https://www.doj.state.or.us/oregon-department-of-justice/divisions/criminal-justice/lesc/>. Any changes to the meeting format (to virtual only if emergency arises) will be posted to our website as soon as possible. Hearings may be extended for an additional hour if needed to ensure that all witnesses have the opportunity to testify.

DATE: 07/08/2026

TIME: 1:00 PM - 2:00 PM

OFFICER: Jeff Howes, Chair

IN-PERSON HEARING DETAILS

ADDRESS: Oregon Department of Justice, Bend, 150 NW Pacific Park Lane, Suite 100, Bend, OR 97701

SPECIAL INSTRUCTIONS:

All hearings will be conducted as hybrid meetings, providing an opportunity to give testimony either in person or virtually. For information regarding participation and how to participate virtually, please visit <https://www.doj.state.or.us/oregon-department-of-justice/divisions/criminal-justice/lesc/>. Any changes to the meeting format (to virtual only if emergency arises) will be posted to our website as soon as possible. Hearings may be extended for an additional hour if needed to ensure that all witnesses have the opportunity to testify.

DATE: 07/13/2026

TIME: 6:00 PM - 7:00 PM

OFFICER: Jeff Howes, Chair

IN-PERSON HEARING DETAILS

ADDRESS: Oregon Department of Justice, Portland, 100 SW Market St, Portland, OR 97201

SPECIAL INSTRUCTIONS:

All hearings will be conducted as hybrid meetings, providing an opportunity to give testimony either in person or virtually. For information regarding participation and how to participate virtually, please visit <https://www.doj.state.or.us/oregon-department-of-justice/divisions/criminal-justice/lesc/>. Any changes to the meeting format (to virtual only if emergency arises) will be posted to our website as soon as possible. Hearings may be extended for an additional hour if needed to ensure that all witnesses have the opportunity to testify.

DATE: 07/15/2026

TIME: 1:00 PM - 2:00 PM

OFFICER: Jeff Howes, Chair

IN-PERSON HEARING DETAILS

ADDRESS: DOJ-DCS Office, Roseburg, 2440 NW Troost St., Ste 100, Roseburg, OR 97471

SPECIAL INSTRUCTIONS:

All hearings will be conducted as hybrid meetings, providing an opportunity to give testimony either in person or virtually. For information regarding participation and how to participate virtually, please visit <https://www.doj.state.or.us/oregon-department-of-justice/divisions/criminal-justice/lesc/>. Any changes to the meeting format (to virtual only if emergency arises) will be posted to our website as soon as possible. Hearings may be extended for an additional hour if needed to ensure that all witnesses have the opportunity to testify.

NEED FOR THE RULE(S):

ORS 243.812 established the Commission on Statewide Law Enforcement Standards of Conduct and Discipline (“the Commission”). The purpose of the Commission is to adopt rules that provide uniform standards of law enforcement conduct and discipline. The Commission is required to review the rules every two years. These amendments to the rules are proposed to meet the requirements of ORS 243.812.

ORS 243.812 applies to members of the Oregon State Police, sheriffs, corrections officers and municipal police officers, the agencies that employ them, arbitrators, and civilian or community oversight boards, agencies or review boards. These rules are needed to provide uniformity in law enforcement discipline for these categories of conduct for the affected officers and agencies across the state.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

The following list of all materials that the commission considered in drafting these rules is available on the website at <https://www.doj.state.or.us/oregon-department-of-justice/divisions/criminal-justice/lesc/>

- Standards Definitions (rough draft)
- Current v Proposed Matrix Updates
- Proposed Rule Text Revisions
- Commissioner Karia Materials RE Proposed Rule Updates
- Proposed Rule Text
- Non-Discipline Rules
- OAR 265-010-0010 Assault (proposed amendments from September meeting)
- OAR 265-010-0015 Unjustified or Excessive Use of Physical Force or Deadly Force (proposed amendments from September meeting)
- Email from Barbara Kenny
- OAR 265-010-0001 Sexual Assault (proposed amendments from September meeting)
- OAR 265-010-0001 Sexual Assault (proposed amendments from October meeting)
- Misuse of Authority Report
- OAR 265-010-0015 Unjustified or Excessive Use of Physical Force or Deadly Force (proposed amendments from October meeting)
- OAR 265-010-0010 Assault (proposed amendments from October meeting)
- Definitions – Intentional, Knowing, Reckless
- OAR 265-010-0025 Moral Character (proposed amendments from October meeting)
- OAR 265-010-0010 Assault (proposed amendments from October meeting)
- Excessive Force Definition Resources
- Draft Concepts Moral Character Sub-Comm 10-31-25
- Updated Notes Unjustified or Excessive Use of Physical or Deadly Force 10.23.25
- OAR 265-010-0010 Assault – Proposed Amendments (November meeting)
- OAR 265-010-0025 Moral Character – Proposed Amendments (November meeting)
- OAR 265-010-0001 Sexual Assault – Proposed change
- Draft concepts Moral Character Post Meeting 10.31.25 (November meeting)
- Draft Concepts Moral Character Sub-Comm LESC Review 11-6-25
- Draft Concepts Moral Character Sub-Comm LESC Review 12-9-25
- Proposed Changes to the Sexual Assault Rule (10-30-2025)
- OAR 265-010-0010 Assault (proposed amendments February meeting)
- OAR 265-005-0001 Definitions (proposed amendments February meeting)
- OAR 265-010-0015 Use of Force (proposed amendments February meeting)
- Fork in the road assault v use of force Karia 2-9-26
- OAR 265-010-0010 Assault (proposed amendments March meeting)
- OAR 265-005-0001 Definitions (proposed amendments March meeting)
- OAR 265-010-0015 Use of Force (proposed amendments March meeting)

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

These rules apply to law enforcement officers who are employed by the Oregon State Police, sheriffs, corrections officers and municipal police departments. These rules set a statewide floor for law enforcement discipline for misconduct in seven specified categories. The rules also provide for aggravated and mitigated sanctions and set a procedure for the proper application of those factors. The result of these rules is that there will be a statewide standard

of discipline so that regardless of where a law enforcement officer works, if they engage in misconduct that is covered by these rules, they will be subject to the same discipline standards. These uniform standards should foster equity across the law enforcement community because officers will be subject to the same standards.

In addition to the law enforcement officers, members of the public, including BIPOC communities, that have contact with law enforcement officers will be affected by these rules. Areas of misconduct may involve harm to others—such as sexual assault, assault, and unlawful use of force that results in death or serious injury. Establishing a system that ensures that police misconduct will be addressed, in a uniform manner across the state, will help improve trust and relationships between law enforcement and the communities with which they engage.

By increasing trust and accountability, these rules will promote racial equity by reducing the disproportionate impact of police misconduct on historically marginalized BIPOC communities.

FISCAL AND ECONOMIC IMPACT:

These rules apply to law enforcement officers employed by the Oregon State Police, sheriffs, corrections officers and municipal police departments. Thus, the affected agencies are Oregon State Police, Oregon Department of Corrections and cities and counties throughout the state. These initial rules set disciplinary standards for conduct that is already defined in the Oregon Revised Statutes. In other words, these rules do not change conduct expectations for law enforcement officers—they set uniform disciplinary sanctions when a law enforcement officer engages in misconduct.

The fiscal and economic effect of these rules on individual agencies is indeterminate because it depends on the individual agency's current practices with respect to law enforcement officer discipline. For example, the rules require a disciplining body to document its reasoning when it imposes a disciplinary action other than the presumptive sanction. The law enforcement managers on the Commission indicated that their agencies currently maintain this documentation so there would be no change in the status quo. However, if an agency does not already so document, there may be an additional recordkeeping requirement imposed by these rules.

Law enforcement agencies may choose to provide training on these rules. The Commission is unable to determine whether training on these rules specifically will increase training costs for individual agencies. The Commission publishes a guide to assist law enforcement agencies in applying these standards, which should decrease any training costs.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) State agencies: Oregon State Police, Oregon Department of Corrections

Units of local government: Cities and counties

(2)(a) No small businesses are affected by this adoption.

(2)(b) None

(2)(c) None

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of these rules. ORS 243.812 specifies the membership of the

Commission and does not include small business. By statute, these rules will apply only to the Oregon State Police, sheriffs, corrections officers and city and county law enforcement agencies.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

ORS 243.812 established the Commission solely for the purpose of promulgating rules. The membership of the Commission was specified by the Legislature and includes representatives from groups who have subject matter expertise and who are most likely to be affected by these rules. In addition, ORS 243.812 expressly requires an open hearing process for public input and deliberation that includes public notice, public outreach to solicit broad participation and public hearings to receive public comment. The Commission has sought and will continue to seek a broad base of participation from public and private sources, in order to provide the benefit of multiple, informed perspectives.

RULES PROPOSED:

265-005-0001, 265-010-0001, 265-010-0010, 265-010-0015, 265-010-0025

AMEND: 265-005-0001

RULE SUMMARY: The rule was amended to add (8) "Excessive Force" means violation of the law enforcement agency's policy regarding the application of constitutionally permissible force; (14) "Knowingly" or "with knowledge," when used in this rule means that a person acts with an awareness that the conduct of the person is of a nature so described or that a circumstance so described exists; (19) "Misuse of Authority by soliciting or engaging in sexual acts or favors of a sexual nature" occurs when a law enforcement officer, within the scope of their employment or stemming from a law enforcement encounter or action, solicits or engages in sexual acts or favors of a sexual nature from another individual, including, but not limited to, a person detained or in custody, victim, witness, or person associated with a law enforcement encounter. This conduct includes, but is not limited to, soliciting acts or favors of a sexual nature for the benefit of themselves (or other), or action in exchange for leniency, forbearance, or other benefit given to the individual as related to a law enforcement action, process, or consequence. This definition is broadly construed. This definition is not intended for circumstances of consensual relationships without misuse of authority. A person detained in custody cannot provide consent; (21) "Non-Disciplinary Corrective Actions" means an action taken by a disciplinary body in lieu of disciplinary action to assist the officer in improving the officer's performance or conduct, and may include, but is not limited to, an informal discussion, coaching, counseling, training, warning, or letter of expectation; (24) "Recklessly," when used with respect to a result or to a circumstance described by a rule, means that a person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation; and amend (11) "Intentionally" or "with intent," when used with respect to misconduct described by a rule, means that a person acts with a conscious objective to cause the result or to engage in the conduct so described. Sections (8) through (25) were renumbered (9) through (30) to allow for the addition of the new definitions.

CHANGES TO RULE:

265-005-0001

Definitions

(1)-"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" means 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) "Excessive Force" means violation of the law enforcement agency's policy regarding the application of constitutionally permissible force.¶

(9) "Exclusive representative" has the meaning given that term in ORS 243.650(8).¶

~~(9)~~10 "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.¶

~~(10)~~11 "Intentional" ~~has the meaning given that term in ORS 161.085~~ly or "with intent," when used with respect to misconduct described by a rule, means that a person acts with a conscious objective to cause the result or to engage in the conduct so described.¶

~~(14)~~2 "Justification" means a justifiable use of physical or deadly physical force pursuant to ORS 161.205 to ORS 161.267.¶

~~(12)~~3 "Just Cause" has the meaning given that term in ORS 236.350.¶

~~(13)~~4 "Knowingly" or "with knowledge," when used in this rule means that a person acts with an awareness that the conduct of the person is of a nature so described or that a circumstance so described exists.¶

~~(15)~~ "Law enforcement agency" has the meaning given that term in ORS 243.812.¶

~~(14)~~6 "Law enforcement officer" has the meaning given that term in ORS 243.812.¶

~~(15)~~7 "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.¶

~~(16)~~8 "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.¶

~~(17)~~9 "Misuse of authority by soliciting or engaging in sexual acts or favors of a sexual nature" occurs when a law enforcement officer, within the scope of their employment, exercising police powers or stemming from a law enforcement encounter or action, solicits or engages in sexual acts or favors of a sexual nature from another individual, including, but not limited to, a person detained or in custody, victim, witness, or person associated with a law enforcement encounter. This conduct includes, but is not limited to, soliciting acts or favors of a sexual nature for the benefit of themselves (or other), or action in exchange for leniency, forbearance, or other benefit given to the individual as related to a law enforcement action, process, or consequence. This definition is broadly construed. This definition is not intended for circumstances of consensual relationships without misuse of authority. A person detained in custody cannot provide consent.¶

~~(20)~~ "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.¶

~~(18)~~21 "Non-Disciplinary Corrective Actions" means an action taken by a disciplinary body in lieu of disciplinary action to assist the officer in improving the officer's performance or conduct, and may include, but is not limited to, an informal discussion, coaching, counseling, training, warning, or letter of expectation.¶

~~(22)~~ "Physical Force" has the meaning given that term in ORS 161.015.¶

~~(19)~~23 "Physical Injury" has the meaning given that term in ORS 161.015.¶

~~(20)~~4 "Recklessly," when used with respect to a result or to a circumstance described by a rule, means that a person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.¶

~~(25)~~ "Serious Physical Injury" has the meaning given that term in ORS 161.015.¶

~~(24)~~6 "Sexual assault" has the meaning given that term in ORS 243.317.¶

~~(22)~~7 "Sex crime" has the meaning given that term in ORS 163A.005.¶

~~(23)~~8 "Sexual Harassment" has the meaning given that term in OAR 839-005-0030.¶

~~(24)~~9 "Stalking" means engaging in conduct constituting the crime of stalking in ORS 163.732.¶

~~(25)~~30 "Untruthfulness" means being dishonest or untruthful in a manner that reflects adversely on the ability of a law enforcement officer to perform their official duties, which includes 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.

Statutory/Other Authority: ORS 243.812
Statutes/Other Implemented: ORS 243.812

AMEND: 265-010-0001

RULE SUMMARY: Amend the rule (1) making termination the sanction for conduct constituting an act of sexual assault that constitutes a sex crime as defined in ORS 163A.005, and amending (2) to add presumptive, mitigated and aggravated sanctions for misconduct constituting unwanted conduct of a sexual nature that does not constitute a sex crime.

CHANGES TO RULE:

265-010-0001

Sexual Assault

(1) A disciplining body shall impose upon a law enforcement officer disciplinary action of termination upon a finding that the officer engaged in conduct constituting an act of sexual assault that constitutes a sex crime as defined in ORS 163A.005.

(2) 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 unwanted conduct of a sexual nature that does not constitute a sex crime.

(1a) The presumptive sanction shall be termination, salary reduction, demotion or suspension without pay.

(2b) The mitigated sanction shall be suspension without pay, salary reduction, demotion, or a written reprimand.

(c) The aggravated sanction shall be termination.

Statutory/Other Authority: ORS 243.812

Statutes/Other Implemented: ORS 243.812

AMEND: 265-010-0010

RULE SUMMARY: Amend the rule (1) making termination the sanction for misconduct constituting an act of intentional or knowing assault without justification, and (2) imposing a disciplinary range for misconduct constituting an act of reckless assault without justification.

CHANGES TO RULE:

265-010-0010

Assault

(1) A disciplining body shall impose upon a law enforcement officer the disciplinary action of termination upon a finding that the officer engaged in misconduct constituting an act of intentional or knowing assault without justification.

(2) 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 intentional reckless assault without justification:

~~(1a)~~ The presumptive sanction shall be termination.

~~(2b)~~ The mitigated sanction shall be ~~suspension without pay, salary reduction, demotion~~ demotion, salary reduction, suspension without pay, or a written reprimand.

Statutory/Other Authority: ORS 243.812

Statutes/Other Implemented: ORS 243.812

AMEND: 265-010-0015

RULE SUMMARY: Amended (1) to remove "that results in death or serious physical injury and add "For the purposes of this rule, the use of "deadly physical force" must be both readily capable of causing death or serious physical injury and intentional, knowing, reckless or criminally negligent"; amend sanction in (2) (b) to remove "or a written reprimand"; add disciplinary action and range for (3) misconduct constituting unjustified or excessive use of physical force that results in physical injury and (4) misconduct constituting unjustified or excessive use of physical force that results in no injury.

CHANGES TO RULE:

265-010-0015

Unjustified or Excessive Use of Physical or Deadly Force

(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~~. For the purposes of this rule, the use of "deadly physical force" must be both readily capable of causing death or serious physical injury and intentional, knowing, reckless or criminally negligent.

(2) 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 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, or demotion, or a written reprimand.¶

(3) 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 unjustified or excessive use of physical force by the officer that results in physical injury:¶

(a) The presumptive sanction shall be suspension without pay, salary reduction, or demotion.¶

(b) The mitigated sanction shall be written reprimand.¶

(c) The aggravated sanction shall be termination.¶

(4) 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 unjustified or excessive use of physical force by the officer that results in no injury:¶

(a) The presumptive sanction shall be suspension without pay or salary reduction.¶

(b) The mitigated sanction shall be written reprimand or non-disciplinary corrective action.¶

(c) The aggravated sanction shall be demotion or termination.

Statutory/Other Authority: ORS 243.812

Statutes/Other Implemented: ORS 243.812

AMEND: 265-010-0025

RULE SUMMARY: Section (1) of the rule was amended to add (i) Misuse of authority by soliciting or engaging in sexual acts or favors of a sexual nature.

CHANGES TO RULE:

265-010-0025

Moral Character

(1) For the purposes of this rule, lack of good moral character means 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:¶

(i) Misuse of authority by soliciting or engaging in sexual acts or favors of a sexual nature¶

(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.

Statutory/Other Authority: ORS 243.812

Statutes/Other Implemented: ORS 243.812