

Commission on Statewide Law Enforcement Standards of Conduct and Discipline

Chapter 265

Division 10

Discipline Standards for Misconduct

**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 an act of misconduct constituting an act of sexual assault that constitutes a sex crime under ORS 243.317.

(2) A disciplining body shall impose upon a law enforcement officer disciplinary action within the following range upon a finding that the officer engaged in misconduct constituting an act of sexual assault that does not constitute a sex crime under ORS 243.317:

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

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

(c) The aggravated sanction shall be termination.

**Statutory/Other Authority:** ORS 243.812, ORS 243.317

**Statutes/Other Implemented:** ORS 243.812

**History:**

CSLES 5-2022, adopt filed 09/30/2022, effective 09/30/2022

**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 reckless assault without justification:

(a) The presumptive sanction shall be termination.

(b) 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

**History:**

CSLES 5-2022, adopt filed 09/30/2022, effective 09/30/2022

**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.

(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.

(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 termination.

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

(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, salary reduction, or demotion.

(b) The mitigated sanction shall be written reprimand or no discipline.

(c) The aggravated sanction shall be termination.

**Statutory/Other Authority:** ORS 243.812

**Statutes/Other Implemented:** ORS 243.812

**History:**

[CSLES 5-2022, adopt filed 09/30/2022, effective 09/30/2022](#)

**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**.

(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

**History:**

CSLES 5-2022, adopt filed 09/30/2022, effective 09/30/2022

**265-010-0035**

**Aggravating and Mitigating Factors**

**(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) 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.
- (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.

**(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) 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).
- (k) 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.