

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 ~~[within the following disciplinary range]~~ 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 as defined in ORS 163A.005 (5).

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

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

(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.

(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.

[Note: Discussion items - Consent is not a defense where there is a power imbalance.

If the conduct constitutes a sex crime, it must be referred to criminal authority when facts plausibly meet sex crime elements.]

NOTE: Matter in **boldfaced** type in an amended section is new; matter [~~italic~~ *and bracketed*] is existing law to be omitted. New sections are **boldfaced** type.