



February 17, 2015

To: Joint Ways and Means Subcommittee on Human Services

From: Anna Keenan-Mudrick, Co-Chair, Oregon Intellectual and Developmental Disabilities Coalition

Re: HB 2618

Dear Chair Holvey and Members of the Committee:

My name is Anna Keenan-Mudrick. I am co-chair of the Oregon Intellectual and Developmental Disability Coalition (the IDD Coalition). The IDD Coalition is a group of approximately 30 organizations across Oregon that promote quality services and supports to further equality and community integration for Oregonians with developmental disabilities and their families. I am also the executive director of Community Access Services, which is a non-profit that provides residential and employment supports to people with intellectual and developmental disabilities.

The IDD Coalition is neutral on HB 2618, but we have some concerns that we would like to express on the record today. HB 2618 provides that employees of the Department of Human Services whose duties include maintaining safety, behavior and control of residents of certain residential facilities qualify as police officers under the Public Employees Retirement System.

As you may know, workers in these residential facilities are providing care and training for some of our most vulnerable citizens. We recognize this is hard work. My organization supports many people with diverse needs. Some of these people have lived in the residential facilities at issue in HB 2618. This proposed legislation, however, has the potential to change the nature of what is fundamentally a caregiving relationship into one that is adversarial that could undermine the health, safety and welfare--as well as the fundamental civil rights--of the residents in these facilities.



In particular, our concerns are as follows:

1. Qualifying workers in residential facilities as “police officers” is inappropriate given the duties of these residential employees. Under ORS 443.400(4): They provide “residential care,” which means “services such as supervision; protection; assistance while bathing, dressing, grooming or eating; management of money; transportation; recreation; and the providing of room and board.” Under ORS 443.400(11): They provide “training,” which means the systematic, planned maintenance, development or enhancement of self-care skills, social skills or independent living skills. These are not the duties of police officers.
2. Qualifying workers in residential facilities as “police officers” is inconsistent with the generally accepted duties of a police officer. Police officers enforce things— laws, rules, regulations, ordinances and standards; they provide protection against crimes and they investigate crimes that have been committed. They also generally work in, or as part of, an institution, such as in the Department of State Police, Department of Corrections, and sometimes even schools. The employees in HB 2618 work in residential settings, not institutions. In fact, definition of a “residential facility” specifically excludes institutional settings where you would typically find police officers (see ORS 443.405).
3. Qualifying workers in residential facilities as “police officers” puts us on a slippery slope where the presumed authority of these employees might infringe on the fundamental rights of individuals residing in these homes.

We believe qualifying these employees as “police officers” is fundamentally in conflict with their primary charge: to ensure the health and welfare of the individuals they support. Medicaid funds all its providers to support residents, in a positive, customer-driven, integrated manner, even when those supported may have intensive needs. Furthermore, Best Practice has shown that positive behavioral supports are far more effective than those based on punishment and fear - those supported in these homes must not feel “policed.” We fear that changing the classification of these employees to police officers - even for retirement benefits - will change the culture of the homes to a punitive and institutional culture.

We understand that the genesis for this bill may have arisen from a need or desire to enhance the compensation or benefits paid to individuals working in these residential facilities, but we are concerned that this legislation may not be the way to go about



it. In fact, it may pose additional risks to the people being cared for in these residential facilities, and could reopen old wounds. Many people who left Fairview remember living in an environment where there were police, and where punitive, fear-based behavioral support methods were common and accepted. We welcome conversations about how to achieve the purpose of the bill without reclassifying support workers as police officers.