



Legislative Testimony

OREGON DEPARTMENT OF CORRECTIONS

February 18, 2015

The Honorable Jeff Barker, Chair
House Judiciary Committee

RE: House Bill 2761

Chair Barker and members of the House Judiciary Committee, I am Kim Brockamp, Deputy Director of the Oregon Department of Corrections (DOC). I am here to provide information related to HB 2761 and answer any questions.

What the Bill Does:

HB 2761 would require DOC to garnish a portion of an inmate's wages if the department receives a notice of judgment where money has been awarded to a department employee as a result of an inmate assaulting that employee. It further directs the department to pay withheld compensation to the judgment creditor, as well as adopt rules to establish withholding and payment procedures.

Background Information:

Staff safety is our number one priority, and Oregon is touted nationally as having one of the safest prison systems in the country. However, assaults in our prisons do occur. When an inmate assaults a staff member, we know there are profound effects on the individual who has been assaulted. This is one of the reasons we have made staff wellness our top agency initiative.

When an inmate assaults a staff member, we take administrative action and we hold inmates accountable for their misconduct. Consequences can include loss of privileges, time in disciplinary segregation, and disciplinary fines.

We are aware that some staff members are now seeking additional remedies by filing civil lawsuits against the inmates who have assaulted them. In some cases, staff members have been awarded monetary settlements; however, it is difficult for staff to actually receive payments from inmates because the majority of individuals in DOC custody earn very little money.

We understand the reasoning behind staff members who take civil action when they have been assaulted and, philosophically, we agree with the concept of this bill. However, we do not feel it is DOC's responsibility to decide that restitution to staff takes precedent over victim restitution (from the crimes of conviction), child support, or court fees and fines. We have been in ongoing conversations with our public safety partners about these issues and feel this concept requires further discussion.

We also have several secondary concerns with the bill:

- **Disparate Impact:** We believe this bill, as written, will apply to only a small portion of inmates because only those inmates who have work assignments with Oregon Corrections Enterprises (OCE) earn a “wage.” The majority of inmates in our custody earn a monetary award for work and programming through the Performance Recognition and Awards System (PRAS). In addition, those inmates working for OCE are typically misconduct free and unlikely to engage in assaultive behavior.
- **Collection Process:** The department’s current practice in regards to restitution and child support is to comply, by law, when we receive a valid garnishment order from the courts. If we receive a garnishment order for wages, we have to return it to the court, unless it is for an inmate who works for OCE. We can, however, process garnishment orders for inmate property; in these cases, we garnish an inmate’s trust account, which is considered property. If we receive a valid garnishment order, it is a manual process for our Central Trust Unit to comply with the order.

Requested Action:

DOC requests further time to discuss these concerns and ideas.

Thank you for your time and consideration. I am happy to answer any questions you may have.

Submitted by:

Oregon Department of Corrections

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