

Fenrich &
Gallagher, P.C.
with Daryl S. Garrettson
Of Counsel

Rhonda J. Fenrich
Admitted in OR, WA & AK
rhonda@fglaborlaw.com

Becky Gallagher
Admitted in OR & WA
becky@fglaborlaw.com

Daryl S. Garrettson
Admitted in OR & WA
daryl@onlinenw.com

Patricia Urquhart, Of Counsel
Admitted in OR, WA & ID
urquhartlaw@gmail.com

February 19, 2015

Re: Testimony in Support of HB 2761

Dear Chair Barker and Members of the House Judiciary Committee:

The Association of Oregon Corrections Employees (AOCE) represents almost eight hundred (800) men and women working for the Department of Corrections (DOC) at the maximum security Oregon State Penitentiary (OSP), the medium security Oregon State Correctional Institution (OSCI) and two minimum security institutions – Mill Creek Correctional Facility (MCCF) and South Fork Forest Camp (SFFC). Over the past several years AOCE has seen an increase in the number of assaults afflicted on staff by inmates. These have primarily occurred at OSP and OSCI. These range from premeditated attacks with weapons to spur of the moment fist strikes. They also include spitting in mouths, throwing bodily fluid and excrement and intentionally contaminating staff with blood with unknown pathogens.

Approximately three (3) years ago AOCE's Executive Board and membership made the decision it was going to start fighting back. The first step was to retain a lawyer to file civil lawsuits on behalf of the injured staff against the inmates. Approximately twenty (20) lawsuits either have been or soon will be filed in Marion County Circuit Court against inmates at OSP and OSCI for committing Assault and Battery against staff. In the lawsuits that have been filed, every one of them has resulted in a default judgment being entered against the inmate. Each judgment has been for a money award of \$20,000.00.

The staff filing these lawsuits realizes there is little likelihood of ever being paid. However, in the event an inmate with a money award entered against him rehabilitates to the point of obtaining a job with DOC or the Oregon Corrections Enterprises (OCE), the staff that are the victims of their assaults deserve to have the right to garnish a portion of those wages. Oregon statutes and rules already provide for the garnishment of inmate wages – just not to compensate the victims of their crimes committed while serving their sentence.

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Fenrich & Gallagher, P.C.
245 West 5th Avenue
Eugene, OR 97401
(541) 342-7820
(541) 342-7802 (Fax)
www.fglaborlaw.com

Daryl S. Garrettson
Attorney at Law
P.O. Box 8
Lafayette, OR 97127
(503) 687-1649
(503) 864-2089 Fax

Patricia Bridge Urquhart
Attorney at Law
Urquhart Law Office
28408 Historic Columbia River Hwy
Troutdale, OR 97060
(971) 270-7163

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The State of Washington in 2011 added the ability to deduct from inmate wages the payment of civil judgments for assault, meaning “a civil judgment for monetary damages awarded to a correctional officer or department employee entered by a court of competent jurisdiction against an inmate that is based on, or arises from, injury to the correctional officer or department employee caused by the inmate while the correctional officer or department employee was acting in the course and scope of his or her employment.” RCW 72.09.015(3). It is too soon to tell if this has deterred inmate assaults on staff in Washington but AOCE is hopeful that it will be just one more tool in their toolbox of means to deter inmates from causing them harm.

OAR 291-081-0060 outlines the current deductions to be made from inmate gross compensation, including: taxes, family support obligations, 5% of the gross compensation to be contributed to the Victims Compensation Fund, and room and board charges as determined by the Director of DOC. AOCE is seeking to add to this list judgments for money awards that have been entered against inmates for assaulting staff.

Contrary to some beliefs, DOC staff do not sign up for or expect to be victims of assault by inmates. They have one of the toughest, most dangerous jobs in the State of Oregon and they deserve our protection.

AOCE urges you to support HB 2761. By doing so you not only support the job the men and women of DOC are doing every day, you are holding inmates accountable for their intentional, unlawful actions against staff.

Sincerely,

FENRICH & GALLAGHER, P.C.

/s/

Becky Gallagher

Fenrich & Gallagher, P.C.
245 West 5th Avenue
Eugene, OR 97401
(541) 342-7820
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