



Testimony in Support of House Bill 2761

February 19, 2015

Chair Barker and Members of the House Judiciary Committee:

My name is Elaine Weaver-Foster. I am a Correctional Officer with the Department of Corrections. I work at the maximum security Oregon State Penitentiary. An inmate assaulted me on August 5, 2014 during the course and scope of my duties. Attached is the memo I wrote documenting the assault a week after it happened.

I finally started back to work full time this week on February 17th and still experience daily pain in my back, neck and knee. I am filing a lawsuit for Battery against the inmate who assaulted me. If a judgment is entered against him I would like to have the ability to garnish his wages should he ever hold a DOC job.

I urge you to support House Bill 2761.

Thank you,

Officer Elaine Weaver-Foster



Date: Aug 11, 2014

To: Superintendent J. Premo

From: C/O E. Weaver-Foster

Subj: Staff Assault

On Aug 5, 2014, at approximately 11:15 am, I arrived on the 1st tier of DSU to escort Inmate Farris, Anthony #19326528 to his hearing for a prior Staff Assault I on Capt. Wagner at OSCI. Inmate Farris had slipped (removed) his handcuff restraints and gotten loose from the wall restraint to assault the Staff. I was aware of this information, so I was cautious when I put the handcuff restraints on Inmate Farris.

At approximately 11:47 am, Aug 5, 2014, the hearing is completed on Inmate Farris, so I prepare to escort him back to his cell on the 1st tier. Before leaving the hearings room, I look thru the window and see Inmate Farris sitting with his hands behind his back, as if he is restrained. As I open the door, Inmate Farris steps out of the room with his hands behind his back. Unknown to me, Inmate Farris has slipped (removed) the handcuff restraints during his hearing. As he steps forward with his left foot he strikes me in the face, eye and forehead, with his left fist, breaking my glasses. Without my glasses I'm unable to see clearly. As I back away I begin yelling "Staff Assault, Staff Assault", covering my head as he continues his assault on me, striking me at least 5 times in the head with his fist. Hearings Officer D. Parker steps out of the hearings room to assist with the assaultive Inmate. I hear D. Parker yell orders to Inmate Farris to get off her (referring to E. Weaver-Foster). As I re-engage Inmate Farris, he directs his attention to D. Parker. I ready my Sabre 5.0 OC spray to stop the Inmates assaultive behavior. Inmate Farris takes a stance as D. Parker and I approach him. I hear metal strike metal behind me, over by the wall at the end of the tier landing. The distance to the end of the tier landing is approximately 38 feet. The metal handcuffs were later located on the side of the cupboards used to store supplies where they had ricochet after striking the wall. D. Parker and I again move forward towards Inmate Farris giving orders to get on the ground. Inmate Farris ignores the orders and charges at me trying to head butt me in the chest area. I move in closer, closing the gap, and deploy my OC spray at the face of Inmate Farris. Inmate Farris continues his assault on me by attempting to grab the back of my neck and swings his left fist towards my face. I then grab ahold of his orange shirt to control of his movement. As D. Parker and I continue to try and stop Inmate Farris' assaultive behavior, by dodging his closed fist strikes, I again deploy my OC spray. Inmate Farris moves in front of D. Parker, which causes her to come in contact with the OC spray. As we struggle to control the Inmate, he forcefully pushes me forward at the waist with his arm on the back of my neck. As I was falling to the ground, I tighten my grip on the Inmates shirt and pull him to the ground with me. We continue struggling on the floor as I try to control Inmate. D. Parker and I were able to get the Inmate on his stomach. I hold his body and legs, while D. Parker holds his shoulders and head until DSU Staff arrive on the tier and take control of Inmate Farris.

I was taken to Salem Hospital Emergency for injuries to my head and lower left back and left hand. I was given Tylenol and ice for my back pain.

I followed up with my Physician on Aug 7th. The pain in my lower left back has increased and my left hand has swollen and is painful when I try and close my hand. I'm experiencing pain in the back of my neck, between my shoulder blades and my right knee.

From Aug 8th and throughout the week-end into Aug 11, 2014, I continue to have pain in my lower left back, neck, shoulder blades and right knee. I have been experiencing headaches and I'm unable to maintain clear focus of my eyes. I have a generalized feeling of being off balance.

Throughout the time since the assault, pictures have been taken of bruising as it appeared on my right eye, forehead above my right eye, left hand and my right forearm.

After 24 hours of ice treatment I have been taking pain relievers and using a heat pad for the pain.