

# HB 2721

Public Hearing Monday June 12, 2017

Testimony Submitted by Deborah K. Miley

My name is Deborah K. Miley, and I am the wife of an Oregon Department of Transportation worker James D. Miley that was assaulted by a member of the motoring public on June 20<sup>th</sup> 2016 while working with the Region 2 Stripping Crew near Oakridge. Due to the nature of their work being a moving work zone they do not utilize flaggers. During this day Jim was working behind the crew ensuring that the paint was dry prior to allowing traffic to flow in his lane so he was along.

During his job a car from California and its occupants become very agitated that he would not let them on the paint to get around on a two-lane narrow bridge. They ran over the cones, and finally stopped and two males exited the vehicle and one of them came up from behind my husband and proceeded to beat my husband to the ground and continued the assault. They finally left and left him there injured and alone.

The worst call a wife can ever receive is that call from a co-worker telling you “not to panic but...”. I was in disbelief that what they were telling me had occurred during my husband performing his everyday work duties.

He was beaten about the head, and face, and had broken teeth, bruising inside and out of his mouth, and around his ears and neck. I met them at the hospital and he was released, but the months that followed were very much a life changing event for us as a couple.

He went through all the emotions of someone with PTSD being afraid, embarrassed and angry. His emotions ran very high, and every day was a new struggle with them as he worked through this. The emotional toll was far greater than his injuries. Being a strong big man he was devastated that he could have this happen to him, and to this day we will continue to have high emotions when reliving this event.

It was devastating to both of us to learn that the laws that did cover highway workers (not flaggers) did not allow the police at the time to give him anything more than a misdemeanor charge which initially the DA's office Eugene dropped.

We spent three months uncovering on our own prior charges this fellow had in other states involving assaults, and finally convincing the DA's office Eugene to take the case. And Chief Deputy DA Eric Hasselman walked us through it all way and presenting it to the grand jury that came back with a felony charge.

Ultimately, he agreed to a plea bargain, and he was given 30 days in jail, pleaded down to a Misdemeanor, and pay over 10,000 in restitution to my husband and the Workers Compensation carrier that

We spent a lot of time and money making sure that this man did not get away with assaulting my husband in his role as ODOT highway worker.

Every day we watch more and more incidents in the news about this and even on my husband's crew they have had two more incidents since this one.

We believe that increasing the degree of statues that would come into play in these situations would save lives! I do not want other families to have to go through what we have been through, and must struggle through this on their own fight for justice.

This is an incident that will stay with him and I as his support system for a long time to come his security in his job has been robbed of him, and that is hard to get back.

Thank you for your time and consideration.