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LAW ENFORCEMENT INFORMATION NETWORK ACCESS

House Bill 5987 with committee amendment First Analysis (9-23-98)

Sponsor: Rep. Sharon Gire
Committee: Judiciary

THE APPARENT PROBLEM:

Children's protective services (CPS) workers are responsible for investigation of complaints or allegations of child abuse or neglect. As part of their duties they are required to commence an investigation of the complaint or allegation within 24 hours and have face to face contact with a household or family member within 72 hours. This means that they are required to have face to face contact with people who have been accused of abusing or neglecting their children; often, they enter the homes of people who are likely to be upset by the allegations and could respond violently. CPS workers have to enter these homes with little or no background information regarding the people that they will be confronting. Although current law allows for CPS workers to obtain information from the Law Enforcement Information Network through police departments or the prosecutor's office (which takes approximately one week), the workers rarely, if ever, have any information about the criminal history of the family or household members prior to being required to carry on the face to face meetings. In fact, last May, just such a visit lead to the brutal murder of a CPS worker who had removed two children from a home that was reportedly cluttered with garbage and stinking of urine and feces.

It has been suggested that allowing CPS workers direct access to the Law Enforcement Information Network would give them the opportunity to find out beforehand which situations are most likely to be dangerous and allow the workers in those situation to decide whether or not to carry out the visit in pairs or with the assistance of law enforcement.

THE CONTENT OF THE BILL:

The bill would amend the LEIN Policy Council Act to expand the situations under which access to the Law Enforcement Information Network (LEIN) would be allowed. The policy council is currently required to

establish and promulgate rules regarding the operational procedures for use of the LEIN. The policy and rules are required to ensure access to locator information by state and federal agencies and the friend of the court for enforcement of child support programs in accordance with state and federal law. In addition to the existing requirements for access, the bill would require that access be granted to a state or county employee engaged in the enforcement of Michigan's child protection laws or rules with regard to information about an individual being investigated by the employee.

MCL 28.214

FISCAL IMPLICATIONS:

Fiscal information is unavailable.

ARGUMENTS:

For:

In what is perceived as an increasingly violent society many child and family social services workers are increasingly fearful for their own safety in the course of carrying out their work. This fear is not unjustified and the current law effectively blindfolds them. The bill's provisions will help ensure the safety of CPS workers, providing them with immediate and full access to the Law Enforcement Information Network. These workers have a right to know in advance whether the person they are required to visit has a record of violence. There is no good reason to deny the workers this information. The recent murder of a CPS employee points up the potentially hazardous nature of this job and emphasizes the need for better information for all such employees. Workers need to know of the potentially assaultive, violent, and dangerous behavior of the persons they are required to visit before the worker enters the home. The bill may

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not provide complete protection (some previously non-violent person may respond violently to the CPS worker's visit); however, it will at least allow the workers to have a degree of forewarning about some people's tendencies and properly assess the risks involved in carrying out the required visit.

Against:

The bill may help in some instances where a pattern of violence or other antisocial behavior can lead to a prediction that the CPS worker should not attend the face to face visit without police or other backup. However, the majority of cases will not have criminal records that can reasonably be used to conclude that the particular individual is likely to become violent, and unfortunately this does not mean that in such a situation there is no danger.

More important and better means of helping to protect CPS workers could include requiring at least two workers to attend all potentially volatile meetings, providing workers with better means of communicating with the office while they are out on visits, and more and better training for workers in how to deal with potentially violent situations.

Response:

Even though the bill's proposed access to the LEIN will not guarantee the safety of all CPS workers, it will help in some situations and that should be reason enough to enact it into law.

POSITIONS:

The Department of State Police supports the bill. (9-22-98)

The UAW Local 6000 (representing over 19,000 state employees) supports the bill. (9-22-98)

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.