

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 4099 (Substitute S-1 as reported)
Sponsor: Representative Alan Sanborn
House Committee: Family and Children Services
Senate Committee: Families, Mental Health and Human Services

Date Completed: 5-8-01

RATIONALE

Family Independence Agency (FIA) employees who perform field investigations and home visits sometimes must operate in unsafe environments during the course of their work. Some of these workers, as well as representatives of their professional organizations and bargaining units, have expressed a need for greater training so that these public servants may be able to identify and handle volatile situations more safely and effectively. The safety of FIA staff has been a major concern particularly since the murder of an FIA worker several years ago. On May 28, 1998, Lisa Putman, a Macomb County FIA child protective services (CPS) worker, was murdered while conducting a field investigation. The investigation should have been a routine inspection of a home from which two children had been removed because of its unsanitary condition. The FIA worker was inspecting the home to determine whether living conditions had been improved sufficiently to allow the children to be returned. It was not the first time that Putman had visited the home, and she had not had any previous trouble with the children's mother or her sister. During this home visit, however, the two women murdered the FIA social worker. This incident has served to highlight the dangers faced by many FIA employees in performing their duties. Some people feel that, in order to reduce the likelihood of further criminal activity against FIA staff, special training to diffuse tense or dangerous situations should be available to FIA employees who conduct field investigations or home visits.

CONTENT

The bill would amend the Social Welfare Act to require that the Family Independence Agency (FIA) develop, implement, and provide a training program for each FIA employee required to perform a field investigation or home visit. The training program would have to include mandatory training on defusing threatening behavior and on how to perform a safe investigation or home visit and recognize a potentially dangerous situation.

In addition, if an FIA employee who was required to perform a field investigation or home visit had documented a risk that led to a reasonable apprehension regarding the safety of performing a field investigation or home visit, the bill would require the employee to complete the field investigation or home visit either with another FIA employee who had been trained under the program proposed by the bill or with a law enforcement officer.

The bill would take effect on September 1, 2001, and is tie-barred to Senate Bills 72 and 73, which would amend the Michigan Penal Code to provide criminal penalties for threatening or harming an FIA employee while the individual was performing his or her duties as an FIA employee or because of the individual's status as an FIA employee, and to specify a felony penalty for impersonating an FIA employee.

Proposed MCL 400.115q

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The tragic murder of FIA child protective services worker Lisa Putman in 1998 shed new light on the potentially dangerous conditions that FIA field workers often may face in the course of performing the duties of their job, and spurred public discourse about what could be done to mitigate that danger.

Reportedly, many FIA employees who are expected to perform field investigations and home visits have had little training regarding their personal safety, yet they are expected on a daily basis to enter situations that could be dangerous. These workers deserve proper safety training and should have the option of working with a partner if the situation warrants it. By providing for mandatory training on defusing threatening behavior and instruction on how to recognize potentially dangerous situations and perform safe home visits and investigations, the bill would ensure that FIA field workers had the knowledge and skills to protect themselves while performing their tasks. Evidently, some new FIA employees already receive this kind of training; the bill would extend that training to all FIA employees required to perform field investigations or home visits.

In addition, under the bill, an FIA field worker would have additional protection by being accompanied by a partner or a law enforcement officer, if there were a documented risk leading to a reasonable apprehension regarding the safety of performing a field investigation or visit. Combined with efforts the FIA undertook after Putman's murder to hire more CPS workers and equip them with cell phones and personal alarms, the bill's requirements should provide FIA field investigators with the resources they need to perform their duties safely and effectively.

Response: While the training that the bill proposes could very well prove useful to most FIA field workers, the bill does not address the basic underlying problem: FIA social workers are overworked. The caseloads are too heavy and the workers too few.

Opposing Argument

The bill would not go far enough to ensure that FIA workers received the proper training and protection. Legislation introduced in the previous session (House Bill 4456 of 1999-2000) would have required that the FIA, in conjunction with the State Police, provide workers with a self-defense training program, and would have mandated that the FIA require all CPS workers to complete field investigations and home visits in groups of at least two caseworkers. Later versions of the 1999-2000 bill included a voluntary personal protection component in the proposed training regimen. Neither that proposal nor the current bill, however, has addressed the arming of CPS workers and the current bill does not even mention any self-defense or personal protection training. At the very least, the legislation should include a self-defense training component and perhaps allow case workers to carry mace.

Response: Arming social workers would be ill-advised because they receive no training in weapons' use or law enforcement techniques, and allowing them to carry weapons could possibly just contribute to a dangerous situation. It would be more effective for the training to focus on defusing threatening behavior and recognizing potentially dangerous situations. The FIA's field investigators' task after all is case management, not law enforcement.

Opposing Argument

The bill includes an ambiguous standard for requiring the completion of an investigation with a partner or a police officer. Requiring an FIA worker to have a "documented risk" that would lead to a "reasonable apprehension" about the worker's safety is an unclear criterion. Some workers might even feel that the FIA hierarchy would frown upon their requesting assistance to complete an investigation.

Partnering should be routine in FIA field investigations and home visits. Lisa Putman had previously visited the home where she was murdered. She had no documented risk of potential danger and apparently had no apprehension about going there again, yet she was viciously attacked from behind. The presence of another case worker may have prevented the attack. The bill should include some reassurance that there would be no professional backlash against a field worker

who requested backup or police accompaniment on an investigation or home visit.

Response: Routinely working in pairs on home visits and field investigations would spread the workforce too thin and could be intimidating to FIA clients and families being assisted by FIA programs.

Opposing Argument

The bill would address the problem too late in the process. According to testimony before the Senate Committee on Families, Mental Health and Human Services by someone who has had dealings with FIA and Friend of the Court social workers, situations in which the potential for violence arises may be a result of previous actions by social workers themselves that serve to alienate the very people they are supposed to serve. Rather than the training regimen proposed by the bill, these public employees need training in how to stop problem situations before they start, and how to avoid inciting a volatile situation in the first place.

Response: The situations with which FIA social workers must deal usually are quite unstable long before any intervention by the FIA. Public servants who are required to step into volatile households should be trained to recognize and assess the situation and be prepared to act accordingly.

Opposing Argument

Rather than provide for more training and allow for assistance in some situations, the bill should make a more fundamental change in the way child abuse and neglect cases are handled in Michigan. The best way to ensure the safety of FIA social workers would be to get them out of the business of investigating child abuse. These case workers sometimes risk their lives walking into filthy homes and drug dens that armed police officers might fear to enter. Investigations into the crime of child abuse and neglect should be handled by criminal investigators, not social workers. This is a job for law enforcement officers. The FIA's CPS case workers could still handle issues such as the housing, medical, educational, financial, and psychological needs of children and families. Investigation of the physical, mental, and sexual abuse of children should be conducted by officials whose training is more suited to dealing with criminal allegations. This arrangement would safeguard both CPS workers and the children

they are charged with protecting, because trained law enforcement officers could better handle the evidence-gathering aspect of child abuse investigations.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State government. Currently, the FIA spends funds on and provides training to employees for worker safety issues. Employees currently perform home visits in pairs when they determine that it is required.

The FY 2000-01 appropriation includes \$780,000 Gross, \$234,000 GF/GP for expanding Child Welfare Institute classes for about 4,000 additional hours in required training for State child welfare workers and private child caring agency workers. The funds are in the Governor's recommended budget for FY 2001-02.

Fiscal Analyst: C. Cole

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.