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SPECIAL TRAINING FOR CERTAIN FIA EMPLOYEES

House Bill 4456 (Substitute H-3) First Analysis (5-25-99)

Sponsor: Rep. Alan Sanborn
Committee: Family and Civil Law

THE APPARENT PROBLEM:

On May 20, 1998, a Macomb county child protective services worker, Lisa Putman, was brutally murdered while conducting a field investigation. The investigation was what should have been a fairly routine inspection of a home. The home was that of a mother of two children whose children had been removed from the home because the home was determined to be too unsanitary for the children to remain. The worker was inspecting this home to determine whether the living conditions had been improved sufficiently to allow for the children to return. According to news reports, at some point during the investigation, the mother of the children and her sister attacked the worker with a hammer and when the beating was apparently insufficient to kill her, suffocated her in a plastic bag. This horrific incident served to highlight the dangers faced by many social workers, adult and children's protective services workers, and family independence specialists in carrying out their work. Legislation has been introduced to provide for special training for such workers and to require them to seek and obtain assistance under some circumstances.

THE CONTENT OF THE BILL:

The bill would amend the Social Welfare Act to require the Family Independence Agency to develop, implement, and provide a training program for all of its employees who are required to perform field investigations and home visits. The program would have to include mandatory training on how to defuse threatening behavior and voluntary personal protection training provided by a certified instructor.

In addition, any Family Independence Agency employee who had a "reasonable apprehension regarding the safety of performing" a field investigation or home visit that he or she was required to perform would be required to perform that visit or investigation with another person. The other person would have to be another employee of the FIA who

had undergone the training outlined above or a law enforcement officer.

MCL 400.115p

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

The bill provides for mandatory training on defusing threatening behavior, and allows for personal protection training. Generally, FIA employees who are expected to perform field investigation and home visits have had very little training regarding their personal safety and yet they are expected to enter situations on a daily basis that most police officers would be loath to enter. These workers deserve proper safety training and when necessary they may require someone to back them up. This bill provides both. Further, the bill will enhance already existing FIA requirements - for example, new employees are already required to undergo training on defusing threatening behavior, but the bill will extend this to all employees, not only the newly hired. In addition, the FIA established a "zero-tolerance" policy for threats against its workers. Under this policy, the FIA requires its workers to report any incidents of threatening or assaultive behavior and the agency intends to prosecute such cases as they are reported.

Against:

The bill won't significantly change the inherent problems in the system that led to Lisa Putman's murder. The problem is not a lack of training in self-defense or in defusing threatening behavior, the problem is that these workers are grossly overburdened -- there are far too many cases and far too few workers to handle them.

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The bill fails to require the one simple protection that could have saved Lisa Putman's life, a partner. Self-defense training and training on how to diffuse a threatening situation would probably not have protected Lisa Putman, who was allegedly struck unaware from behind. Further, given the nature of their work, it can be assumed that these workers already do a pretty good job of dealing with and diffusing threatening behavior, or one might expect that there would be far more incidents of violence. However, a partner would likely have been a far greater help and would be of far greater help to the approximately 4,000 workers who are still carrying on the same sort of work on a daily basis.

Response:

The idea of requiring a partner in every home visit or field investigation is an overreaction. First, to institute such a policy would require the FIA to either double its workforce (which is fiscally impossible) or cut in half the number of cases covered (which would be unacceptable). Second, it should be remembered that this tragic incident was literally a one in a million occurrence -- FIA employees have performed over one million of these visits or investigations since 1980 and this is the first and only time one of those employees has been killed. Though it may be of small comfort to the friends and family of Lisa Putman, it should be remembered that the vast majority of these situations do not lead to violent confrontations. Although tragic, Lisa Putman's murder was the exception and not the rule, and although it highlighted a need for increased training, it does not show a need for doubling the effective workforce of the FIA.

Against:

Why is the onus on the employee to decide whether or not he or she should have someone else come along on a home visit or field investigation? Shouldn't the decision of when to send these workers out in pairs be the responsibility of the FIA? Further, what does a "reasonable apprehension" mean? FIA workers, particularly child protective services workers, are investigating the most volatile sorts of situations imaginable. Police officers, who are armed and far better trained at dealing with violent and threatening behavior, dread having to answer domestic altercations calls, and yet the employees that this bill is intended to protect are regularly expected to deal with such situations. Arguably, one could claim that only the smallest percentage of these situations poses no "reasonable apprehension regarding safety."

Response:

Although reasonable apprehension is not defined, another change that could help to clarify the term would be to require that the apprehension be documented. By tying the requirement to the FIA's "zero-tolerance" policy requiring workers to report any threats or threatening behavior, the bill could require an employee to be accompanied whenever any report of threats or threatening behavior had been made regarding the subject of the visit or investigation.

POSITIONS:

The Family Independence Agency supports the concept of the bill. (5-24-99)

The International Union, UAW supports the concept of the bill. (5-24-99)

UAW Local 6000 (representing approximately 20,000 state employees) supports the bill. (5-24-99)

The Michigan County Social Services Association supports the bill. (5-24-96)

The National Association of Social Workers supports the bill. (5-24-99)

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.