

**TRAINING FOR FIA FIELD
INVESTIGATORS**

House Bill 4099 as enrolled
Public Act 14 of 2001
Second Analysis (5-25-01)

Sponsor: Rep. Alan Sanborn
House Committee: Family and Children
Services
Senate Committee: Families, Mental
Health, and Human Services

THE APPARENT PROBLEM:

On May 20, 1998, Lisa Putman, a Macomb county child protective services worker, was brutally murdered while conducting a field investigation. The investigation involved what should have been a fairly routine inspection of a home where two children had been removed after it was determined that the home was too unsanitary for them to remain. The worker was inspecting this home to determine whether the living conditions had improved sufficiently to allow the children's 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 horrifying 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:

House Bill 4099 would add a new section to the Social Welfare Act (MCL 400.115q) to require that the Family Independence Agency (FIA) provide a training program in self defense for all of its employees who are required to perform field investigations or home visits. The bill is tie-barred to Senate Bills 72 and 73, which would amend the Penal Code to provide criminal penalties for threatening or harming an FIA employee who is performing his or her duties, or for impersonating an FIA employee (see Senate Fiscal Agency analysis, dated 2-21-01). The effective date of the bill would be September 1, 2001.

Training Program. The training program would have to include both of the following:

- Mandatory training on defusing threatening behavior.
- Mandatory training on how to perform a safe investigation or home visit and recognize a potentially dangerous situation.

Further, if one of these employees documented a risk that led to a reasonable apprehension regarding the safety of performing a field investigation or home visit, that employee would have to complete the field investigation or home visit with another department employee who had been trained, as required under the bill, or with a law enforcement officer.

FISCAL IMPLICATIONS:

The House Fiscal Agency (HFA) estimates that the bill's requirement that the Family Independence Agency (FIA) provide a self defense training program for employees who perform field investigations or home visits would have an indeterminate fiscal impact, since the department does currently provide training to some employees. The HFA notes that the department's current policy requires that each employee conduct an investigation or home visit with a co-worker, law enforcement officer, or community service provider when a potential threat to worker safety has been documented. Also, under its fiscal year 2000-2001 budget, the FIA must establish a written policy concerning mandatory training on defusing threatening behavior. The required policy must also specify when a department employee may conduct an investigation or home visit with another person who is not an employee. Consequently, the bill's requirement that certain

House Bill 4099 (5-25-01)

employees conduct field investigations or home visits accompanied by another employee would appear to have no fiscal impact. (3-12-01)

ARGUMENTS:

For:

The bill requires training for FIA social workers, protective services workers, and family independence specialists, and instruction on how to recognize potentially dangerous situations. It would also allow an employee to request that a partner come along on a field investigation or a home visit when the employee had documented a “reasonable apprehension” regarding his or her safety. At the time of Lisa Putman’s death in 1998, training on defusing threatening behavior was already required for new FIA employees who would be conducting field investigations or home visits. After the tragedy, the FIA focused on creating a safer working environment, and training on identifying and defusing threatening behavior was extended to all employees who performed this type of work, and not merely to the newly hired. In addition, 75 new protective services and foster care employees were hired. The provisions of the bill reflect the department’s new policies. Further, Senate Bills 72 and 73, to which this bill is tie-barred, would provide severe felony penalties for assaulting or impersonating an FIA employee. Together, these bills would offer a degree of protection and discourage the type of conduct that led to Lisa Putman’s death.

Response:

What does “reasonable apprehension” mean? FIA workers, particularly child protective services workers, often investigate the most volatile types of situations. The attack on Lisa Putman sadly demonstrated how quickly a situation could deteriorate. The bill should clarify the term.

For:

The bill is a reintroduction of legislation that was introduced during a previous legislative session. However, that legislation specified only that an FIA employee who had a “reasonable apprehension” regarding the safety of performing a field investigation or home visit would have to complete the investigation or visit with a law enforcement officer, or with another employee who had undergone the specified training. Some people objected to having employees decide whether or not they should have someone else come along, and it was suggested that the legislation require that such apprehension be documented. The requirement is included under the provisions of House Bill 4099.

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.

The bill also fails to require the one 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.

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■ 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.