

**HOUSE . . . . . No. 111**

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The Commonwealth of Massachusetts

PRESENTED BY:

*James J. O'Day*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to promote client and worker safety in the Department of Youth Services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>1/15/2015</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>8/16/2019</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>8/16/2019</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>8/16/2019</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>8/16/2019</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>8/16/2019</i>

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By Mr. O’Day of West Boylston, a petition (accompanied by bill, House, No. 111) of James J. O’Day and others for legislation to establish a special commission (including members of the General Court) relative to reducing injury to individuals in the care and custody of the staff of the Department of Youth Services and to the staff of said department. Children, Families and Persons with Disabilities.

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The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
\_\_\_\_\_

An Act to promote client and worker safety in the Department of Youth Services.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           There is hereby established a special commission for the purpose reducing injury to  
2 juveniles and young adults in the care and custody of the staff of the Department of Youth  
3 Services (DYS) and reducing injuries to the staff of the department incurred as a result of  
4 violence on staff and the need by staff to intervene during client on client violence.

5           Said commission shall be responsible for evaluating existing practices used during  
6 incidents of client assaults on staff and client on client assaults. The commission shall review and  
7 evaluate current restraint policies and procedures, or the lack thereof, used by staff in instances  
8 of violence involving a single staff member or two or more staff members.

9           The commission shall also evaluate the current system of training new and existing  
10 department staff in restraint policies and procedures training.

11           The commission shall also be responsible for evaluating the department’s process for  
12 documenting incidents of assault on staff and the department’s process for informing staff and  
13 DYS clients of the process for reporting assaults on staff as stipulated in a 2013 legally-binding  
14 Memorandum of Agreement executed by the department and Council 93 of the American  
15 Federation of State, County and Municipal Employees. Upon review and evaluation of the  
16 aforementioned policies and procedures, the commission shall report its findings on any  
17 identified deficiencies in said policies and procedures that may increase the likelihood of injury  
18 to clients as well as recommendations to improve the current policies and procedures. In  
19 addition, the commission, in consultation with the Secretary of Health and Human Services; the  
20 Department of Industrial Accidents; the Department of Children and Families; and any other  
21 relevant state agency; shall report the following statistics for Fiscal Years 2012, 2013, 2014,  
22 2015 to date:

23           -       The number of accidental and intentional injuries to DYS clients as a result of  
24 assault on staff and client on client assault.

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26           -       The number of so-called “51A” child abuse investigations initiated against DYS  
27 staff by the Department of Children and Families as a result of violent workplace incidents  
28 involving DYS staff.

29           -       The number of substantiated and un-substantiated 51A investigations.

30           -       The number of DYS staff included on the Department of Children and Families  
31 “Registry of Alleged Perpetrators”

32 - The number of accidental and intentional injuries to DYS staff as a result of  
33 assault on staff and client on client assault.

34 - The estimated cost to the commonwealth due to staff injury as a result of  
35 violence, including workers' compensation cost and worker overtime cost.

36 The advisory committee shall consist of:

37 Two members of the House of Representatives appointed by the Speaker of the House; of  
38 whom shall be designated by the Speaker as a co-chair; two members of the Senate appointed by  
39 the Senate President, one of who shall be a co-chair designated by the Senate President.

40 The Secretary of Health and Human Services or his/her designee;

41 The Commission of Department of Youth Services or his/her designee;

42 Three representatives from the union workforce selected by the Executive Director of  
43 Council 93 of the American Federation of State, County and Municipal Employees, all of whom  
44 shall have with at least three years of experience in DYS secure programs.

45 An employee of the Department of Children and Families selected by the President of  
46 Local 509 of the Service Employees International Union with direct experience in 51A child  
47 abuse investigations involving workers responsible for the care and custody of juvenile  
48 offenders;

49 The commission shall report its finding no later than June 1, 2016 to; the Governor of the  
50 Commonwealth; the House and Senate Committee on Ways and Means, the Speaker of the  
51 House; the Senate President; and the Executive Director of Council 93 of the American  
52 Federation, of State, County and Municipal Employees.