



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

**AB-1117 Peace officers: peer support.** (2019-2020)

SHARE THIS:  

Date Published: 10/09/2019 09:00 PM

**Assembly Bill No. 1117**

**CHAPTER 621**

An act to add Article 22 (commencing with Section 8669.1) to Chapter 7 of Division 1 of Title 2 of the Government Code, relating to peace officers.

[ Approved by Governor October 08, 2019. Filed with Secretary of State October 08, 2019. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1117, Grayson. Peace officers: peer support.

Under existing law, the California Emergency Services Act, the Governor is authorized to proclaim a state of emergency, as defined, under specified circumstances. The California Emergency Services Act also authorizes the governing body of a city, county, city and county, or an official designated by ordinance adopted by that governing body, to proclaim a local emergency, as defined. Existing law provides that a person has a privilege to refuse to disclose, and prevent another from disclosing, a confidential communication with specified persons, except in specified circumstances.

This bill would enact the Law Enforcement Peer Support and Crisis Referral Services Program. The bill would authorize a local or regional law enforcement agency to establish a peer support and crisis referral program to provide an agencywide network of peer representatives available to aid fellow employees on emotional or professional issues. The bill would, for purposes of the act, define a "peer support team" as a team composed of law enforcement personnel, as defined, who have completed a peer support training course, as specified. The bill would provide that a law enforcement personnel, whether or not a party to an action, has a right to refuse to disclose, and to prevent another from disclosing, a confidential communication between the emergency service personnel and a peer support team member, crisis hotline staff member, or crisis referral service, except under limited circumstances, including, among others, in a criminal proceeding, when disclosure is reasonably believed to be necessary to prevent death, substantial bodily harm, or commission of a crime, or when disclosure is consented to in writing. The bill would also provide that, except for an action for medical malpractice, a peer support team member providing peer support services as a member of a peer support team and the law enforcement agency that employs them are not liable for damages, as specified, relating to an act, error, or omission in performing peer support services, unless the act, error, or omission constitutes gross negligence or intentional misconduct. The bill would prohibit a peer support team member from providing peer support services in specified circumstances.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Article 22 (commencing with Section 8669.1) is added to Chapter 7 of Division 1 of Title 2 of the Government Code, to read:

**Article 22. Law Enforcement Peer Support and Crisis Referral Services Program**

**8669.1.** The article shall be known, and may be cited, as the Law Enforcement Peer Support and Crisis Referral Services Program.

**8669.2.** (a) A local or regional law enforcement agency may establish a peer support and crisis referral program. The program shall be responsible for providing an agencywide network of peer representatives, reflective of the agency's workforce both in job positions and personal experiences, who are available to come to the aid of their fellow employees on a broad range of emotional or professional issues.

(b) The peer support and crisis referral program may provide employee support and referral services for matters including, but not limited to, the following:

- (1) Substance use and substance abuse.
- (2) Critical incident stress.
- (3) Family issues.
- (4) Grief support.
- (5) Legal issues.
- (6) Line-of-duty deaths.
- (7) Serious injury or illness.
- (8) Suicide.
- (9) Victims of crime.
- (10) Workplace issues.

(c) The agency's hiring authority shall consult with an employee representative organization to develop and implement a program created pursuant to this section.

**8669.3.** For purposes of this article, the following terms have the following meanings:

(a) "Confidential communication" means any information, including, but not limited to, written or oral communication, transmitted between law enforcement personnel, a peer support team member, or a crisis hotline or crisis referral service staff member while the peer support team member provides peer support services or the crisis hotline or crisis referral service staff member provides crisis services, and in confidence by a means that, as far as the law enforcement personnel is aware, does not disclose the information to third persons other than those who are present to further the interests of the law enforcement personnel in the delivery of peer support services or those to whom disclosures are reasonably necessary for the transmission of the information or an accomplishment of the purposes for which the peer support team member is providing services. "Confidential communication" does not include a communication in which the law enforcement personnel discloses the commission of a crime or a communication in which the law enforcement personnel's intent to defraud or deceive an investigation into a critical incident is revealed.

(b) "Crisis referral services" include all public or private organizations that provide consultation and treatment resources for personal problems, including mental health issues, chemical dependency, domestic violence, gambling, financial problems, and other personal crises. Neither crisis referral services nor crisis hotlines include services provided by an employee association, labor relations representative, or labor relations organization, or any entity owned or operated by an employee association, labor relations representative, or labor relations organization.

(c) "Critical incident" means an event or situation that involves crisis, disaster, trauma, or emergency.

(d) "Critical incident stress" means the acute or cumulative psychological stress or trauma that law enforcement personnel may experience in providing emergency services in response to a critical incident. The stress or trauma is an unusually strong emotional, cognitive, behavioral, or physical reaction that may interfere with normal functioning and could lead to post-traumatic stress injuries, including, but not limited to, one or more of the following:

- (1) Physical and emotional illness.
- (2) Failure of usual coping mechanisms.
- (3) Loss of interest in the job or normal life activities.

(4) Personality changes.

(5) Loss of ability to function.

(6) Psychological disruption of personal life, including their relationship with a spouse, child, or friend.

(e) "Law enforcement agency" means a local or regional department or agency, or any political subdivision thereof, that employs a peace officer, as defined in Section 830 of the Penal Code.

(f) "Law enforcement personnel" means an officer or employee of a local or regional law enforcement agency.

(g) "Peer support services" means authorized peer support services provided by a peer support team member to law enforcement personnel and their immediate families affected by a critical incident or the cumulative effect of witnessing multiple critical incidents. Peer support services assist those affected by a critical incident in coping with critical incident stress and mitigating reactions to critical incident stress. Peer support services may include one or more of the following:

(1) Precrisis education.

(2) Critical incident stress defusings.

(3) Critical incident stress debriefings.

(4) On-scene support services.

(5) One-on-one support services.

(6) Consultation.

(7) Referral services.

(8) Confidentiality obligations.

(9) The impact of toxic stress on health and well-being.

(10) Grief support.

(11) Substance abuse awareness and approaches.

(12) Active listening skills.

(h) "Peer support program" means a program administered by a law enforcement agency to deliver peer support services to law enforcement personnel.

(i) "Peer support team" means a law enforcement agency response team composed of peer support team members.

(j) "Peer support team member" means a law enforcement agency employee who has completed a peer support training course or courses pursuant to Section 8669.6. Agency selection criteria of peer support team members shall be incorporated into agency policies.

**8669.4.** (a) A law enforcement personnel, whether or not a party to an action, has a right to refuse to disclose, and to prevent another from disclosing, a confidential communication between the law enforcement personnel and a peer support team member made while the peer support team member was providing peer support services, or a confidential communication made to a crisis hotline or crisis referral service.

(b) Notwithstanding subdivision (a), a confidential communication may be disclosed under the following circumstances:

(1) To refer a law enforcement personnel to receive crisis referral services by a peer support team member.

(2) During a consultation between two peer support team members.

(3) If the peer support team member reasonably believes that disclosure is necessary to prevent death, substantial bodily harm, or commission of a crime.

(4) If the law enforcement personnel expressly agrees in writing that the confidential communication may be disclosed.

(5) In a criminal proceeding.

(6) If otherwise required by law.

**8669.5.** (a) Except as otherwise provided in subdivision (b), a peer support team member who provides peer support services and has completed a training course described in Section 8669.6, and the law enforcement agency that employs them, shall not be liable for damages, including personal injury, wrongful death, property damage, or other loss related to an act, error, or omission in performing peer support services, unless the act, error, or omission constitutes gross negligence or intentional misconduct.

(b) Subdivision (a) does not apply to an action for medical malpractice.

(c) A peer support team member shall not provide peer support services in any of the following circumstances:

(1) If, when serving in a peer support role, the peer support team member's relationship with a law enforcement personnel receiving peer support services could be reasonably expected to impair objectivity, competence, or effectiveness in providing peer support, or would otherwise risk exploitation or harm to the law enforcement personnel.

(2) If the peer support team member and the law enforcement personnel receiving peer support services were involved as participants or witnesses to the same traumatic incident.

(3) If the peer support team member and the law enforcement personnel receiving peer support services are both involved in a shared active or ongoing investigation.

**8669.6.** (a) To be eligible for the confidentiality protections afforded by this article, a peer support team member shall complete a training course or courses on peer support approved by the law enforcement agency that may include, but is not limited to, the following:

(1) Precrisis education.

(2) Critical incident stress defusings.

(3) Critical incident stress debriefings.

(4) On-scene support services.

(5) One-on-one support services.

(6) Consultation.

(7) Referral services.

(8) Confidentiality obligations.

(9) The impact of toxic stress on health and well-being.

(10) Grief support.

(11) Substance abuse awareness and approaches.

(12) Active listening skills.

(13) Stress management.

(14) Psychological first aid.

(b) Notwithstanding any other law, a law enforcement agency may deny or rescind an employee's participation as a peer support team member consistent with agency policy.

**8669.7.** (a) Except as otherwise provided in this section, a law enforcement personnel, whether or not a party to the action, has a right to refuse to disclose, and to prevent another from disclosing, a confidential communication between the law enforcement personnel and a crisis hotline or crisis referral service in a civil, administrative, or arbitration proceeding.

(b) Notwithstanding subdivision (a), a crisis hotline or crisis referral service may disclose confidential information communicated by a law enforcement personnel to prevent reasonably certain death, substantial bodily harm, or commission of a crime.

(c) This article shall not be construed to limit an obligation to report instances of child abuse, as required by Section 11166 of the Penal Code.