



ASSEMBLY BILL 1117

CALIFORNIA LAW ENFORCEMENT PEER SUPPORT
AND CRISIS REFERRAL CONFIDENTIALITY

Effective as of 1/1/2020, AB 1117 adds to the California Government Code §8669.1 et seq. to protect written or oral communications between law enforcement personnel, peer support team members or a crisis hotline or crisis referral services staff member made while providing authorized peer support services, which are not disclosed to third persons other than those who are present and thus protected as “Confidential Communications” (not generally disclosable or admissible in court).

Note: If law enforcement discloses the commission of a crime or intent to defraud or deceive an investigation into a critical incident, the communication is not protected as “Confidential.”

WHO IS COVERED?

FIRST RESPONDER

- An officer or employee of a local or regional law enforcement agency
- Peace officers as defined under Penal Code §830.

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PEER SUPPORTER

Law enforcement agency employee; who has completed an approved peer support training course or courses; and whose participation is approved, consistent with agency policy.

A peer support team is an agency wide network of peer representatives available to aid fellow employees on emotional and professional issues in response to a crisis, disaster, traumatic event, or the cumulative effect of witnessing multiple critical incidents. This includes PTSD, substance use and abuse, grief support, suicide, domestic violence, legal issues, and other matters.

IMPORTANT THINGS TO KNOW

Peer Supporters or participant in a peer support program may NOT disclose or be forced to disclose a confidential communication made during peer support services or to a crisis hotline or referral service without the consent of the person who made the communication or about whom the communication was made. The Peer Supporter may disclose a confidential communication to make a referral to another member of the peer support team and for the following reasons:

1. Person making the statements consents in writing to the disclosure.
2. Communications include: threat of criminal act, threat of suicide or substantial bodily harm, information subject to mandatory reporting.

NOTE: This law explicitly applies only in civil, administrative, or arbitration proceedings. The law is silent on criminal proceedings. Thus, it is currently unknown if confidentiality obligations would apply.

IDENTIFICATION & DOCUMENTATION

To establish a Peer Support Program, the agency's hiring authority shall:

- Consult with an employee representative organization to develop and implement the program.
- Ensure the program does not include services provided by (or any entity owned or operated by) an employee association, labor relations representative, or labor relations organization.
- Document the approved peer support training course or courses, which may include, but not be limited to the following peer support services:
 - Pre-crisis education
 - Critical incident stress defusings/debriefings
 - On-scene support services
 - One-on-one support services
 - Consultation
 - Referral services
 - Confidentiality obligations
 - The impact of toxic stress on health and well-being
 - Grief support
 - Substance abuse awareness and approaches
 - Active listening skills
 - Stress management
 - Psychological first aid
- Develop agency selection criteria for Peer Supporter to incorporate into agency program policies.
- Develop program policies for Peer Supporter in agency Policy or Procedure Manuals.

ACTIVATION

- Personnel involved in the same specific traumatic incident should NOT serve in any peer support capacity related to that incident.
- Personnel should NOT provide peer support services if their relationship with a peer support recipient could reasonably be expected to impair objectivity, competence, or effectiveness, or otherwise risk exploitation or harm to the recipient.
- Personnel should NOT provide peer support if involved in a shared active or ongoing investigation with a peer support recipient.
- **To maintain the sanctity of the “Confidential Communications,” no third parties should be privy to communications between peer support team members and recipients other than those to whom disclosures are reasonably necessary for the accomplishment of the purposes for which peer support services are provided.**



*This information is provided as training material **only** and does **not** constitute legal advice. Please ask your agency's legal advisor for guidance on protecting the legal rights of yourself and your peers.*

For more information, contact us at 800.222.9691
or visit thecounselingteam.com.