

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

SB 459 (Grayson)
Version: February 19, 2025
Hearing Date: May 6, 2025
Fiscal: No
Urgency: No
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SUBJECT

Peace officers: confidential communications: group peer support services

DIGEST

This bill adds additional protections to communications made by law enforcement personnel during the provision of group peer support services.

EXECUTIVE SUMMARY

Research makes clear that the work of law enforcement officers, in ever-changing and sometimes stressful environments, involves experiencing traumatic events resulting in deleterious effects on officers' mental health and overall well-being.

In order to address the stressful incidents faced by peace officers through increased usage of peer support services, the Legislature established the Law Enforcement Peer Support and Crisis Referral Services Program, which provides protections to the individuals providing these services. The program provides a qualified immunity to certain personnel for acts, errors, or omissions in performing peer support services, as provided. In addition, current law makes communications between law enforcement personnel and peer support team members, as well as communications made by such personnel to a crisis hotline or crisis referral service, confidential, except under certain circumstances. Law enforcement personnel can refuse to disclose, and prevent another from disclosing, such "confidential communications" in certain actions, as provided.

This bill adds communications made while providing "group peer support services" to the law, and provides that a recipient of group peer support services shall not be examined as to any knowledge gained from other recipients of such services without the consent of that person. This bill is sponsored by the Peace Officers Research Association of California, and supported by other law enforcement associations. There is no known opposition. This bill passed out of the Senate Public Safety Committee on a 6 to 0 vote.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the Law Enforcement Peer Support and Crisis Referral Services Program, which authorizes a local or regional law enforcement agency to establish a peer support and crisis referral program. The program shall be responsible for providing an agency-wide 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. (Gov. Code § 8669.1 et seq.)
- 2) Provides 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 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. (Gov. Code § 8669.4.)
- 3) Defines "confidential communication" as 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. (Gov. Code § 8669.3.)
- 4) Establishes the California Firefighter Peer Support and Crisis Referral Services Act, which authorizes the state or any local or regional public fire agency to establish a Peer Support and Crisis Referral Program. (Gov. Code § 8669.05 et seq.)
- 5) Provides that, generally, no person has a privilege to refuse to be a witness, or refuse to disclose any matter, or to refuse to produce any writing, object, or other thing. (Evid. Code § 911.)

- 6) Provides that communications made in the context of specified relationships are privileged, entitle the holder of the privilege to refuse to disclose, and to prevent another from disclosing, the communication. These specified relationships include: husband-wife, lawyer-client, physician-patient, clergy member-penitent, sexual assault counselor-victim, domestic violence counselor-victim, human trafficking caseworker-victim. (Evid. Code §§ 954, 980, 994, 1014, 1033, 1037.5, 1038.)
- 7) Provides that the right of any person to claim a privilege provided in statute is waived with respect to a communication protected by the privilege if any holder of the privilege, without coercion, has disclosed a significant part of the communication or has consented to disclosure made by anyone. (Evid. Code § 912(a).)

This bill:

- 1) Extends the protection for confidential communications in the Law Enforcement Peer Support and Crisis Referral Services Program to communication between the law enforcement personnel and a peer support team member made while the peer support team member was providing group peer support services.
- 2) Defines “group peer support services” as peer support interactions comprised of at least one peer support team member or mental health professional and more than one recipient of group peer support services, including, but not limited to, any group meeting conducted or facilitated by one or more peer support team members or a mental health professional for the purpose of peer support of incident debriefing.
- 3) Prohibits a recipient of group peer support services from being examined as to any knowledge gained from other recipients of group peer support services without the consent of the person to whom the information relates.

COMMENTS

1. Expanding peer support program confidentiality

Peer support programs have emerged as standard practice for supporting staff in many high-risk organizations, organizations that routinely expose their personnel to potentially traumatic events, such as emergency services.¹ Studies indicate the

¹ Mark C. Creamer, et al., *Guidelines for Peer Support in High-Risk Organizations: An International Consensus Study Using the Delphi Method* (April 2012) *Journal of Traumatic Stress*, <https://pubmed.ncbi.nlm.nih.gov/22522726/> [as of Apr. 25, 2025].

consensus view that all high-risk industries should have a well-planned, integrated, and tailored peer support program for their employees.

This bill seeks to bolster the Law Enforcement Peer Support and Crisis Referral Services Program.

Currently 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. "Confidential communication" means any information transmitted between a 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.

This bill now provides that the privilege protecting these confidential communications extends to those made during the provision of "group peer support services," which is defined as peer support interactions comprised of at least one peer support team member or mental health professional and more than one recipient of group peer support services, including, but not limited to, any group meeting conducted or facilitated by one or more peer support team members or a mental health professional for the purpose of peer support of incident debriefing.

The privilege continues to apply to confidential communications between a trained peer support team member and law enforcement personnel, but now extends it to the group setting. In addition, the bill provides that a recipient of group peer support services shall not be examined as to any knowledge gained from other recipients of group peer support services without the consent of the person to whom the information relates.

It should be noted that the current privilege for this information does not apply in certain situations, such as in criminal proceedings or where a peer support team member reasonably believes that disclosure is necessary to prevent death. The author has agreed to amendments that ensure that these exemptions also apply to this new provision preventing examination of law enforcement personnel involved in group support services.

In addition, the definition of group peer support services specifically references “incident debriefing” and references “peer support interactions,” rather than “peer support services,” which is already defined in the statute. It is unclear what is intended by these additions, outside of the defined terms. To ensure that the disclosure shield provided by this statute does not prevent relevant evidence beyond that which is necessary to foster engagement in peer support service programs, the author has agreed to an amendment that clarifies the new definition of “group peer support services” is an extension of the existing provisions to the group setting.

2. Stakeholder support

According to the author:

SB 459 addresses the lack of clarity by explicitly including group peer support services within the scope of protected confidential communications. AB 1117 (Grayson, Chapter 621, Statutes of 2019.) established peer support for individual peace officers with privacy protection. SB 459 seeks to do the same for group peer support services, ensuring that law enforcement personnel have the right to privacy when disclosing of communications made during group peer support services. Furthermore, it protects recipients of group peer support services from being compelled to disclose knowledge gained from other participants without consent. These changes will strengthen officer trust in peer support programs, encourage participation in group settings, and enhance the overall mental health and resilience of law enforcement personnel.

The Peace Officers Research Association of California, the sponsor of the bill, writes:

Group peer support sessions are a proven and increasingly utilized tool that allows officers to process their experiences in a collective, supportive environment. Unfortunately, the absence of explicit confidentiality protections for group sessions creates hesitation among officers to fully participate, undermining the effectiveness of these critical services.

SB 459 addresses this gap by ensuring that communications made during group peer support sessions are treated with the same level of confidentiality as one-on-one interactions. Additionally, the bill prevents group participants from being compelled to disclose information shared by others without consent. These changes will bolster officer trust in peer support programs, encourage participation in group settings, and ultimately improve the mental health and overall well-being of California’s law enforcement community.

SUPPORT

Peace Officers Research Association of California (sponsor)
California Association of Highway Patrolmen
California State Sheriffs' Association
Los Angeles County Professional Peace Officers Association

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

AB 1843 (Rodriguez, Ch. 943, Stats. 2024) required emergency ambulance providers to establish a peer support program to provide peer support services upon request of their employees. It provided that communications between emergency ambulance employees and a peer support team member, or a crisis hotline or crisis referral service, are confidential, as provided. AB 1843 immunized a peer support team member from specified liability arising from the provision of peer support services.

AB 2859 (Patterson, Ch. 744, Stats. 2024) established the California Emergency Medical Services Peer Support and Crisis Referral Services program to permit an emergency medical services provider to establish a peer support and crisis referral program. It provided that communications between employees and a peer support team member, or a crisis hotline or crisis referral service, are confidential, as provided. AB 2859 immunized a peer support team member from specified liability arising from the provision of peer support services.

AB 1116 (Grayson, Ch. 388, Stats. 2019) established the California Firefighter Peer Support and Crisis Referral Services Act.

AB 1117 (Grayson, Ch. 621, Stats. 2019) established the Law Enforcement Peer Support and Crisis Referral Services Program.

AB 1119 (Limón, Ch. 323, Stats. 2017) authorized, during the provision of emergency services and care, the communication of patient information for patients who are developmentally disabled and have a mental health disorder, between a physician and surgeon, licensed psychologist, social worker with a master's degree in social work, licensed marriage and family therapist, licensed professional clinical counselor, nurse, emergency medical personnel at the scene of an emergency or in an emergency medical

transport vehicle, or other professional person or emergency medical personnel at a licensed health facility, as specified.

AB 960 (La Suer, 2003) would have established a pilot project in which confidential communications between participants of the Los Angeles County Sheriff's Department would be privileged. It would have established a privilege for communications between a peer support counselor and a public safety officer. This bill died in the Assembly Judiciary Committee.

AB 2443 (La Suer, 2002) would have established a privilege for communications between a peer support counselor and a public safety officer. This bill died in the Assembly Judiciary Committee.

PRIOR VOTES:

Senate Public Safety Committee (Ayes 6, Noes 0)
