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**Community Safety, Justice, & Reentry  
Committee**

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**HB 2311**

**Brief Description:** Supporting first responder wellness and peer support.

**Sponsors:** Representatives Davis, Maycumber, Paul, Robertson, Callan, Mosbrucker, Goodman, Griffey, Stearns, Reed, Ryu, Couture, Ramel, Ortiz-Self, Eslick, Bateman, Riccelli, Timmons, Simmons, Fosse, Peterson, Pollet and Shavers.

**Brief Summary of Bill**

- Requires the Criminal Justice Training Commission (CJTC) to convene a task force on first responder wellness in the state.
- Requires the CJTC to contract with certain entities to develop a 40-hour training program for first responder peer support counselors, a cultural competency training for mental health and substance use disorder (SUD) professionals, a first responder peer support network, and a directory of mental health and SUD professionals with specific competency, experience, and training.
- Requires the CJTC to establish and administer a grant program to provide funding for the implementation or expansion of first responder peer support counseling programs.
- Modifies certain statutory provisions related to peer support counseling, including by providing that a testimonial privilege applies to communications made by a peer support client to a peer support counselor regardless of whether the client is employed by the same agency as the counselor, providing that retired first responders may be counselors, and providing that counselors include persons with certain training in emotional and moral support.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

- Amends the operating budget to provide that the \$3,000,000 appropriated from the State General Fund in the 2023-2025 fiscal biennium for the CJTC to provide grants to local law enforcement for the purpose of establishing officer wellness programs is also appropriated for the CJTC to provide such grants to corrections agencies.

**Hearing Date:** 1/23/24

**Staff:** Corey Patton (786-7388).

**Background:**

Task Force on Law Enforcement Officer Mental Health and Wellness in Washington.

In 2020 the Legislature passed SSB 6570, which required the Department of Health to convene a task force on law enforcement officer mental health and wellness in the state. The task force was responsible for reviewing specified data, recommendations, and options related to improving the behavioral health status of law enforcement officers and reducing the prevalence of mental health disorder and suicide risk. The task force published a related report to the Governor and the Legislature in December of 2021, which contained the following recommendations:

- to fund culturally and linguistically tailored programming and services that support emotional wellness for law enforcement personnel and their families;
- to support local jurisdictions with comprehensive planning and implementation of data driven policies and procedures to increase law enforcement personnel wellness, reduce suicide workforce rates, and increase help-seeking behaviors for officers and their families;
- to expand behavioral health services tailored for law enforcement;
- to increase lethal means safety and safety planning; and
- to develop comprehensive statewide behavioral health and suicide research and data about the law enforcement sector.

Testimonial Privilege for Peer Support Group Clients.

The judiciary has inherent power to compel witnesses to appear and testify in judicial proceedings so that the court will receive all relevant evidence. However, common law and statutory law both recognize exceptions to the court's authority to compel testimony, including situations where there is an applicable testimonial privilege. Such privileges protect certain classes of relationships or communications within those relationships.

For example, state law recognizes a number of testimonial privileges, including a privilege for communications between peer support group clients and counselors. This privilege specifically protects communications made by a peer support group client to a designated counselor while receiving counseling. The counselor may not be compelled to testify in a judicial proceeding about the client's communications unless the client consents to disclosure. This privilege applies

only to communications made to a counselor acting in his or her capacity as a counselor. This privilege does not apply if the counselor was not designated as such by the client's employing agency prior to the incident that resulted in counseling, or if the counselor was an initial responder, witness, or party to the incident.

"First responder" means a law enforcement officer, limited authority law enforcement officer, firefighter, emergency services dispatcher or record keeper, licensed or certified emergency medical personnel, or member or former member of the Washington National Guard acting in certain capacities. A "peer support group client" means a first responder, Department of Corrections staff person, or jail staff person. A "peer support group counselor" means a person who has received training to provide emotional and moral support and counseling to a peer support group client who needs such services as a result of an incident in which the client was involved while acting in his or her official capacity.

### **Summary of Bill:**

#### Task Force on First Responder Wellness in Washington.

The Criminal Justice Training Commission (CJTC) must, subject to appropriations, convene a task force on first responder wellness in the state (Task Force). The Task Force must be co-chaired by the Executive Director of the CJTC, or the Executive Director's designee, and a representative of the fire service. The Task Force must consist of the following additional membership:

- two members from the emergency medical services frontline provider profession;
- two members from the emergency dispatcher profession;
- two members from the jail corrections officer profession;
- one member from the Washington Council of Police and Sheriffs (WACOPS);
- one member from the Washington State Fraternal Order of Police (FOP);
- one member from the Washington State Patrol (WSP) Troopers Association;
- one member from the WSP Lieutenants and Captains Association;
- one member from the Washington Association of Sheriffs and Police Chiefs (WASPC);
- one member from the Washington State Council of Firefighters;
- one member from the Washington Fire Chiefs Association;
- one member from the Washington State Firefighters' Association;
- one member from the International Brotherhood of Teamsters Local 117;
- one member representing the interests of tribal law enforcement officers and agencies;
- the Chief of the WSP, or the Chief's designee;
- the Secretary of the Department of Corrections, or the Secretary's designee; and
- any other members that the CJTC determines should participate in the Task Force to represent the interests of first responders.

The CJTC must convene the initial Task Force meeting by December 1, 2024, and the Task Force must continue to meet at least quarterly. The Task Force must:

- monitor the implementation of this act;
- evaluate the findings and recommendations of the task force on law enforcement officer

mental health and wellness established under Chapter 327, Laws of 2020 (SSB 6570), and determine ways to continue developing on that work;

- make recommendations to improve wellness across the first responder professions in the state; and
- develop and publish, by December 31, 2025, model policies for first responder peer support counseling tailored to law enforcement officers, firefighters, emergency medical services frontline providers, emergency dispatchers, and corrections officers.

The Task Force must design its model policies to support efforts to establish and expand peer support counseling opportunities and networks, and to develop best practices and resources for peer support counselors. In developing its model policies, the Task Force must obtain the services of an organization with expertise in peer emotional support and workforce development to provide technical assistance.

Beginning December 1, 2025, the Task Force must submit an annual report to the Legislature on the status of its work. The Task Force expires on December 31, 2028.

#### Trainings, Resources, and Grant Program.

The CJTC must, subject to appropriations, contract to develop certain trainings and resources related to first responder wellness and peer support, and a grant program to fund implementation or expansion of first responder peer support counseling programs.

#### *Training for First Responder Peer Support Counselors.*

The CJTC must contract with an organization with expertise in peer emotional support and workforce development to develop and administer a 40-hour training program for first responder peer support counselors. The contracting organization must have prior experience developing peer support training for first responders in the state. The contracting organization must consult with members of specified first responder professions when developing the training program, and compensate the first responders for such consultation. A portion of the training program's curriculum must be relevant to all first responder professions, and a portion must be specifically curated to address the unique needs of each first responder profession. The contracting organization must complete development of the training program and begin administering it by August 1, 2025, and utilize current or retired first responders as co-trainers.

#### *Training for Mental Health and Substance Use Disorder Professionals.*

The CJTC must contract with an organization with expertise in mental health and substance use disorder (SUD) counseling and treatment of first responders to develop and administer training for mental health and SUD professionals to engender familiarity and cultural competency in the treatment of first responder clients. The contracting organization must consult with mental health and SUD professionals, and members of specified first responder professions. The contracting organization may develop the training to have in person, virtual, and hybrid participation options. The CJTC must direct the contracting organization to offer a set number of free training opportunities annually.

*First Responder Peer Support Network and Directory of Licensed Professionals.*

The CJTC must contract with an organization that provides free and confidential crisis response and referral services for first responders and their families, to develop and maintain:

- a first responder peer support network, which may include individual and group support options to help first responder peer support counselors address vicarious trauma and secondary traumatic stress; and
- a directory of licensed mental health and SUD professionals who have cultural competency, experience, and training with treating first responders, which must indicate whether such professionals have completed the CJTC's training for mental health and SUD professionals.

The CJTC may contract with an organization with expertise in peer emotional support and workforce development to provide technical assistance in developing the first responder peer support network.

*First Responder Peer Support Counseling Grant Program.*

The CJTC must establish and administer a grant program to provide funding to first responder entities and agencies for the implementation or expansion of peer support counseling programs.

Any entity or agency that receives funding through the grant program must:

- ensure that every peer support counselor designated by the entity or agency enrolls in and completes the CJTC's 40-hour training program for counselors;
- compensate every counselor designated by the entity or agency for their services; and
- provide information to every counselor designated by the entity or agency about the CJTC's first responder peer support network.

Testimonial Privilege for Peer Support Clients.

The testimonial privilege that protects communications made by a peer support group client to a counselor is modified. The term "peer support group client" is changed to "peer support client," and the term "peer support group counselor" is changed to "peer support counselor" and is expanded to include retired first responders and persons with training to provide emotional and moral support and counseling to a peer support client for other stress that is impacting the client's performance of official duties. The testimonial privilege applies regardless of whether the client is an employee of the same agency as the counselor.

Appropriations.

Certain appropriations in the operating budget related to the CJTC's grant funding for officer wellness programs are modified. \$3,000,000 is appropriated from the General Fund in the 2023-2025 fiscal biennium for the CJTC to provide grants to local law enforcement and corrections agencies for the purpose of establishing officer wellness programs. Grants may be used for, but not limited to, building resilience, injury prevention, peer support programs, physical fitness, proper nutrition, stress management, suicide prevention, and physical or behavioral health services. The CJTC must consult with a representative from the WASPC, and a representative of the FOP and the WACOPS, in the development of the grant program.

**Appropriation:** The sum of \$3,000,000.

**Fiscal Note:** Requested on January 17, 2024.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.