

**SENATE BILL REPORT**

**SHB 1090**

**AS PASSED SENATE, FEBRUARY 28, 1994**

**Brief Description:** Protecting communications in law enforcement officers peer support groups.

**SPONSORS:** House Committee on Judiciary (originally sponsored by Representative Scott)

**HOUSE COMMITTEE ON JUDICIARY**

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** Do pass.

Signed by Senators A. Smith, Chairman; Ludwig, Vice Chairman; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

**Staff:** Susan Mahoney (786-7717)

**Hearing Dates:** March 31, 1993; February 18, 1994

**BACKGROUND:**

The judiciary has the power to compel witnesses to appear and testify about facts within the witness' knowledge. However, there are a few narrowly crafted exceptions to this rule. For example a priest cannot be compelled to testify about what is said in a confession, or an attorney cannot be compelled to testify against his or her client if the knowledge was gained during the period of representation and resulted from private communications between the lawyer and client.

Law enforcement officers involved in traumatic incidents while on duty, such as shootings, often rely on fellow officers for moral support. Recognizing the benefit of this relationship, many law enforcement agencies have set up "peer support groups" and also have designated "peer support counselors." The officer who has been involved in an incident is encouraged to discuss the incident with a peer support counselor.

There is no exception protecting as privileged the private communications between an officer and his or her peer counselor. There is concern this lack of protection is having a chilling effect on peer support programs by potentially discouraging an officer from being completely open with his or her peer counselor.

**SUMMARY:**

A law enforcement officer who is a designated peer support counselor shall not, without consent of the other officer making the communication, be compelled to testify in any judicial proceeding about any communication made by the

officer to the counselor while the counselor is acting in his or her capacity as a counselor.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

Will help encourage and clarify a valuable law enforcement program. Officers involved in traumatic incidents almost always need counseling and peer support.

**TESTIMONY AGAINST:** None

**TESTIFIED:** Mike Patrick, WASPC (pro)