



PA 19-188—sHB 7394

Judiciary Committee

AN ACT CONCERNING THE PROTECTION OF CONFIDENTIAL COMMUNICATIONS BETWEEN A FIRST RESPONDER AND A PEER SUPPORT TEAM MEMBER

SUMMARY: This act makes oral and written communications between a first responder and a peer support team member confidential with certain exceptions. The confidentiality applies only to (1) communications made in confidence in the course of a first responder’s participation in a peer support program established by his or her employer and (2) all records prepared by a team member related to a first responder’s program participation. The act generally prohibits a peer support team member from disclosing those communications unless the first responder waives the privilege.

Under the act, “first responder” means:

1. certain peace officers and firefighters (see BACKGROUND);
2. privately employed firefighters;
3. ambulance drivers;
4. certified emergency medical responders, emergency medical technicians, or advanced emergency medical technicians;
5. licensed paramedics; and
6. telecommunication operators employed by a public or private safety agency whose primary responsibilities are to process emergency calls, dispatch emergency services, and disseminate emergency information.

The act defines a “peer support team member” as any person who directs or staffs any employer-established peer support program for first responders.

EFFECTIVE DATE: October 1, 2019

DISCLOSURE PROHIBITIONS

The act generally prohibits a peer support team member from disclosing confidential communications to any third party and in any civil, criminal, legislative, or administrative proceeding. The act also prohibits anyone in those proceedings from requesting or requiring a first responder to provide information about his or her participation in a peer support program, including whether the first responder was ever in such a program.

DISCLOSURE EXCEPTIONS

Under the act, a peer support team member may disclose confidential communications to a third party when it is reasonably necessary for the team member to accomplish the purpose for which he or she was consulted.

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Additionally, peer support team members do not need a first responder's consent to disclose these communications under the following circumstances:

1. when statutorily mandated to do so;
2. if they believe in good faith that failure to disclose would present a clear and present danger to someone, including the first responder; and
3. if they were witnesses or parties to an incident that resulted in the delivery of peer support services to the first responder.

BACKGROUND

Peace Officers

By law, the following individuals are designated peace officers: state and local police, Division of Criminal Justice inspectors, state marshals exercising statutory powers, judicial marshals performing their duties, conservation or special conservation officers, constables who perform criminal law enforcement duties, appointed special policemen, adult probation officers, Department of Correction (DOC) officials authorized to make arrests in a correctional institution or facility, investigators in the State Treasurer's Office, U.S. marshals and deputy marshals, U.S. special agents authorized to enforce federal food and drug laws, and certified police officers of a law enforcement unit created and governed under a state-tribal memorandum (CGS § 53a-3(9)).

PA 19-108 expands the above statutory definition of peace officer to include motor vehicle inspectors in the Department of Motor Vehicles who have received Police Officer Standards and Training Council certification.

Firefighters

By law, the following individuals are designated firefighters: any (1) uniformed member of a paid municipal, state, or volunteer fire department and (2) local fire marshal, deputy fire marshal, fire investigator, fire inspector, and certain other classes of inspectors and investigators (CGS § 7-313g).

Related Act

PA 19-17 generally requires, among other things, DOC and each law enforcement unit, municipal or state paid or volunteer fire department, and municipal entity employing a firefighter (as defined in the act) to make peer support available to their respective parole officers, police officers, and firefighters.