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**Senate Corrections and Juvenile Justice Committee  
Testimony in Support of SB196  
February 23, 2015**

Chairman Smith and Committee Members,

Our associations requested this bill to address a critical legal issue facing a program supporting the welfare of Kansas law enforcement officers and other emergency services providers. These men and women providing law enforcement, firefighting and emergency medical services in our communities across this state do so at high risk of traumatic emotional responses to the carnage they encounter. They do so knowing they will often face risk of death and severe physical injury. Too often it is one of our own fellow service providers who falls victim to these risks when we are within arm's reach of each other. More frequently it is the injuries inflicted through accident or malicious actions on the people we serve. Sometimes it is because we become the victim of physical attacks. All these in addition to the common stresses of family issues, job issues, financial issues, and others.

To address these traumatic effects on our employees, emergency services agencies utilize a system of trained peer support specialists who are people within their own profession and who can help them through tough times and guide them to seeking professional assistance when needed. Peer support specialists are formally trained by mental health professionals in topical areas such as counseling skills, crisis theory and intervention, early warning signs of prolonged or acute stress, suicide assessment, alcohol and substance abuse, and matters of confidentiality.

What this bill is about is assuring those interventions can take place in an environment where confidentiality will prevail and there can be clear and open communications without disclosure. This bill seeks what is in place in most other states by providing a privileged communication protection of those interventions and the documents and communications involved.

This bill followed a review of other state's statutes and is fashioned after similar statutes we found in a large number of states. In some cases these have been in place for many years and appear to be working well after the trial of time. Of course blanket confidentiality must have boundaries. You will find in this bill provisions that assure reporting certain acts and certain threats of the safety of the person involved or of others. State mandatory reporting laws are clearly not exempted, criminal activity is not exempted, and other similar behavior and threats.

Since the bill was printed we have had communications with a large number of peer support teams who came to us with many suggestions to polish the initial bill which, as stated earlier, was crafted from the laws in place in other states. As a result we have prepared a proposed amendment which we would like to offer to start the committee's discussion while working the bill. This has been provided to the revisor

and will be available when you work the bill. The bulk of those changes are in subsection (a) which I have copied below.

We ask you to support your emergency services providers by giving us this legal confidentiality protection so all of us can continue serving and protecting all of you and all people in our state. Please recommend this bill favorably.

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Proposed amendments to subsection (a):

Subsection (a)(1) "Emergency services personnel" means any employee or volunteer of an emergency services provider who is engaged in providing or supporting firefighting and emergency medical services, and any dispatcher providing services to a law enforcement agency or emergency services provider.

(2) "Emergency services provider" means any public employer that employs persons to provide firefighting, emergency medical services, or dispatch services for emergency services personnel or law enforcement personnel.

(3) "Employee assistance program" means a program established by a law enforcement agency or emergency services provider to provide professional counseling or support services to employees of a law enforcement agency or emergency services provider, or a professional mental health provider associated with a peer support team.

(4) "Law enforcement agency" means any public agency that employs law enforcement officers.

(5) "Law enforcement personnel" means a law enforcement officer as defined in K.S.A. [22-2202](#) or [74-5602](#), and amendments thereto, and any other employee or volunteer of a law enforcement agency.

(6) "Peer support counseling session" means any session called or requested in response to a critical incident or traumatic event involving the personnel of the law enforcement agency or emergency services provider and conducted by a peer support specialist.

(7) "Peer support team" is a group of peer support specialists serving one or more agencies or a region of the state.

(8) "Peer support specialist" is a person

(A) designated by a law enforcement agency or emergency services provider, by an employee assistance program, or by a peer support team leader to lead, moderate, or assist in a peer support counseling session, and

(B) has received training in counseling and in providing emotional and moral support to law enforcement personnel or emergency services personnel who have been involved in emotionally traumatic incidents by reason of their employment.