

15.518 Law Enforcement Professional Development and Wellness Program -- Administrative regulations -- Confidentiality of program participant's communications and data -- Exceptions -- Law Enforcement Professional Development and Wellness Program fund -- Leave following critical incident.

- (1) As used in this section, unless the context requires otherwise:
 - (a) "Commissioner" means the commissioner of the department;
 - (b) "Department" means the Department of Criminal Justice Training of the Justice and Public Safety Cabinet;
 - (c) "Fund" means the Law Enforcement Professional Development and Wellness Program fund established in subsection (8) of this section; and
 - (d) "Program" means the Law Enforcement Professional Development and Wellness Program established in this section.
- (2) The department shall develop a Law Enforcement Professional Development and Wellness Program.
- (3) The program shall use seminar-based peer support and counseling services designed to reduce negative mental and behavioral health outcomes.
- (4) The program shall be offered to Kentucky law enforcement officers and telecommunicators at least two (2) times each calendar year.
- (5) On a limited basis, the program may be offered to law enforcement officers from states other than Kentucky upon application to and approval by the commissioner. However, no Kentucky law enforcement officer or telecommunicator may be denied admission to the program if law enforcement officers from another state are admitted to the program.
- (6) The department shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section. The administrative regulations shall address, at a minimum:
 - (a) The required qualifications and duties of any person used by the department to implement or administer the program;
 - (b) The curriculum, programming, seminar type, and treatment modalities used in the program;
 - (c) The extent to which a participant's relatives or friends may participate in seminars;
 - (d) The standards by which law enforcement officers from other states may be accepted into the program by the commissioner; and
 - (e) A protocol for establishing reciprocity for interagency assistance with other state, federal, and tribal law enforcement agencies and officers in administering the program.
- (7) (a) Except as provided in paragraphs (b) and (c) of this subsection, communications, identifying data, and any reports made in the application for or in the course of an officer's or telecommunicator's participation in the program shall be confidential and privileged from disclosure in any civil or criminal proceeding and shall not be subject to discovery, disclosure, or

production upon the order or subpoena of a court or other agency with subpoena power, regardless of who possesses them. The participating officer or telecommunicator is the holder of the privilege.

- (b) The department may use anonymous data for research, statistical analysis, and educational purposes.
 - (c) Any communication making an actual threat of physical violence against a clearly identified or reasonably identifiable victim or an actual threat of some specific violent act may be revealed by the program in order to prevent the commission of any physical violence or violent act using the protocol established in KRS 202A.400.
- (8) (a) There is hereby established in the State Treasury a restricted fund to be known as the Law Enforcement Professional Development and Wellness Program fund.
- (b) The fund shall consist of moneys received from the Kentucky Law Enforcement Foundation Program fund established in KRS 15.430, grants, gifts, state appropriations, and federal funds.
 - (c) The fund shall be administered by the department.
 - (d) Amounts deposited in the fund shall be used only for administration of the program.
 - (e) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year.
 - (f) Any interest earnings of the fund shall become a part of the fund and shall not lapse.
 - (g) Moneys deposited in the fund are hereby appropriated for the purposes set forth in this section and shall not be appropriated or transferred by the General Assembly for any other purposes.
- (9) (a) For the purposes of this subsection, "critical incident" means any event that has a stressful impact sufficient enough to overwhelm a peace officer's usual coping strategies. These events may include:
1. An officer-involved shooting;
 2. A vehicle crash resulting in serious injury or death to an officer or citizen;
 3. An officer being the victim of a felonious assault;
 4. The death of a colleague or partner;
 5. The death of, or serious injury to, a person in the custody of the officer;
 6. The severe injury to, or death of, a child, particularly if the officer has a child of or near the same age; or
 7. An incident involving multiple deaths or injuries in a short amount of time.
- (b) Any peace officer involved directly in a critical incident may take up to forty-eight (48) hours of leave immediately following a critical incident. This leave

may commence upon:

1. The completion of that peace officer's shift encompassing the critical incident, or when all necessary administrative procedures relating to a critical incident have been completed; and
 2. The officer informs his or her supervisor.
- (c) This leave may be unpaid or paid leave. The pay status is to be determined by the officer's employment contract, collective labor agreement if any, or by written departmental policy.
- (d) This subsection shall not be construed to set aside any employment contract, labor agreement, or departmental policies that grant more than forty-eight (48) hours of leave following an officer involved critical incident.

Effective: July 14, 2022

History: Amended 2022 Ky. Acts ch. 94, sec. 1, effective July 14, 2022; and ch. 128, sec. 1, effective July 14, 2022. -- Created 2018 Ky. Acts ch. 104, sec. 1, effective April 2, 2018.

Legislative Research Commission Note (7/14/2022). 2022 Ky. Acts ch. 128, sec. 6, provides that the Act, which amended this statute, may be cited as the Lifeliner's Act.

Legislative Research Commission Note (7/14/2022). This statute was amended by 2022 Ky. Acts chs. 94 and 128, which do not appear to be in conflict and have been codified together.