

La. Stat. tit. 40 § 2411

Section 40:2411 - Peace Officer and Public Safety Personnel Peer Support and Mental Health and Wellness Act

A. Legislative intent and statement of public policy.

(1) Peace officers and public safety personnel are often exposed to traumatic, hazardous, violent, and life-threatening situations throughout their careers. The very nature of the work they perform can also cause stress in their personal life and familial relationships. These factors cumulatively can take a toll on both the mental and physical well-being of our peace officers and public safety personnel, which in turn can affect their job performance. Peace officers and public safety personnel are no less susceptible than any other citizens of Louisiana to mental health issues, including depression, alcoholism, and drug addiction.

(2) Peer support encompasses a range of activities and interactions between individuals with common life experiences. This mutuality fosters personal connection and inspires hope. Peer support has been used for decades by law enforcement agencies following critical incidents. Congress has recognized the importance of peer support programs for law enforcement officers through the Law Enforcement Mental Health and Wellness Act of 2017. Peer support and early intervention are important for successful detection and treatment of mental health issues, a reduction of poor job performance and misconduct, an increase in retention of trained peace officers, and a reduction of the suicide rate in the law enforcement and public safety professions.

(3) Peace officers and public safety personnel who protect and serve the public are often reluctant to seek help for themselves. It is important that those in positions to offer assistance have a full understanding of the job of peace officers and those personnel who support their mission. In an effort to manage stress and support the overall wellness and mental health of peace officers and public safety personnel, and for the benefit and safety of the general public they serve, peace officers and public safety personnel are hereby encouraged to seek assistance from their peers and to feel confident that their participation in a peer support program shall be privileged and confidential in all respects and shall not be divulged to the public.

(4) It is hereby declared to be the public policy of the state of Louisiana to promote and encourage the use of trained peers for support among peace officers and public safety personnel. The intent of this Act is to further this goal by providing for a privilege, confidentiality of information, and tort immunity for governmental entities, their agents, employees, and persons who, on their behalf, furnish information and participate as volunteers in peer support programs for peace officers and public safety personnel.

B. Except for participation in a peer support session following a critical incident as may be required by a governmental entity, no peace officer or public safety personnel shall be mandated to participate in a peer support session or program.

C. Definitions. For purposes of this Section:

- (1) "Governmental entity" means any board, authority, commission, department, office, division, or agency of the state or any of its political subdivisions.
- (2) "Peace officer" means any of the following:
- (a) An employee of the state, a municipality, a sheriff, or other public agency, whose permanent duties include the making of arrests, the performing of searches and seizures, or the execution of criminal warrants, and who is responsible for the prevention or detection of crime or for the enforcement of the penal, traffic, or highway laws of this state, but does not include any elected or appointed head of a law enforcement department.
 - (b) A sheriff's deputy whose duties include the care, custody, and control of inmates.
 - (c) A military police officer within the Military Department, state of Louisiana.
 - (d) Security personnel employed by the Louisiana Supreme Court.
 - (e) Security personnel employed by a court of appeal of the state of Louisiana.
- (3) "Peer support member" means a person, whether a peace officer or not, specifically trained and certified in peer support training, as defined in this Subsection, to voluntarily provide confidential emotional and moral support and assistance to peace officers and public safety personnel, and approved as a peer support member by the executive director of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice. A peer support member may be, but is not required to be, a licensed counselor or mental health professional.
- (4) "Peer support program" means a program established by a governmental entity to provide peer support services to peace officers and public safety personnel.
- (5) "Peer support session" means any communication by a peace officer or public safety personnel with a peer support member, accomplished primarily through listening, assessing, and assisting with problem-solving, and may include referring a peace officer or public safety personnel for professional intervention or treatment that is beyond the scope of the peer support member. A peer support session also includes a group session following a critical incident experienced by a group of peace officers or public safety personnel.
- (6) "Peer support training" means training in peer support and critical incident stress conducted by the Southern Law Enforcement Foundation, the International Critical Incident Stress Foundation, Inc., or an equivalent program as approved by the executive director of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.
- (7) "Public safety personnel" means an employee of a governmental entity who, by virtue of his job duties, provides support to peace officers, including but not limited to a dispatcher, public safety telecommunicator as defined in R.S. 40:1131, crime scene and crime laboratory technician, and criminal analyst.

D. Peer support member training.

(1) Any governmental entity that establishes a peer support program shall ensure that a peer support member successfully completes the training required by this Section before being designated as a peer support member to provide emotional and moral support to peace officers and public safety personnel.

(2) The provisions of this Section apply only to peer support sessions conducted by an employee or agent of a governmental entity who has:

(a) Successfully completed peer support training.

(b) At the time of the peer support session, been designated by a governmental entity to act as a peer support member.

E. Privilege and confidentiality.

(1) Any and all information, reports, records, or communications, whether oral, written, or electronic, that are made, generated, received, or maintained by or in connection with a peer support program or session, are considered privileged and confidential and shall not be considered public records for the purposes of the Public Records Law, R.S. 44:1 et seq.

(2)

(a) Except as otherwise provided by this Chapter, no person, including a peer support member, shall disclose any information, reports, records, or communications described in Paragraph (1) of this Subsection to any other person without the prior written approval of the peace officer or public safety personnel who is the subject of the peer support session or if the peace officer or public safety personnel is deceased, by his legal successor.

(b) This Paragraph shall not prohibit or limit any communication between peer support members, nor prohibit or limit peer support members from sharing among themselves any information, reports, records, or communications about a peace officer or public safety personnel, when done for the purpose of furthering the goals of the peer support program.

(c) This Paragraph shall not prohibit a governmental entity from compiling and maintaining statistics relating to a peer support program or sessions, provided that these statistics shall not contain information that could in any way identify a peace officer or public safety personnel participating in a peer support session or program.

(3) No person, including a peer support member, shall be required to disclose, by way of testimony or otherwise, information made privileged and confidential by this Subsection or to produce, under subpoena or a public records request, any records, documents, opinions, or decisions relating to privileged or confidential information:

(a) In connection with any administrative, civil, or criminal case, proceeding, or adjudication.

(b) By way of any discovery procedure.

(c) By way of any request for public records pursuant to R.S. 44:1 et seq.

- (4)** The privilege and confidentiality provided by this Subsection are supplementary to any other statute, rule, or jurisprudence creating or relating to an applicable privilege, confidentiality, or public records exemption.
- (5)**
- (a)** Any peer support member or other person who reveals the contents of a communication made privileged or confidential by this Subsection, or any person who threatens, intimidates, or attempts to compel a peer support member to disclose the contents of a privileged or confidential communication, shall be subject to any discipline or penalties imposed by the governmental entity.
- (b)** In addition to the discipline or penalties provided by Subparagraph (a) of this Paragraph, whoever violates the provisions of this Subsection shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than one thousand dollars, or imprisoned for not more than six months, or both.
- (6)** The privilege and confidentiality provided by this Subsection shall not apply to any of the following:
- (a)** A threat of suicide or homicide made by a peace officer or public safety personnel in a peer support session or any information conveyed in a peer support session relating to a threat of suicide or homicide.
- (b)** Information mandated by law to be reported, including but not limited to information relating to child abuse or neglect, elderly abuse or neglect, or domestic violence.
- (c)** Any communication that reveals the commission of a crime.
- (d)** Any communication that reveals the intended commission of a crime or harmful act, when disclosure of the communication is determined by the peer support member to be required in order to protect any person from a clear, imminent risk of serious mental or physical harm or injury, or to forestall a serious threat to public safety.
- (e)** Any communication made to a peer support member not in connection with a peer support session, or in the course of an incident that the peer support member responded to, was a witness to, or was a party to, in a capacity other than a peer support member.
- (7)** Nothing in this Subsection shall limit the discovery or introduction in evidence of knowledge acquired by a peace officer or public safety personnel from observations made by him during the course of his employment, or material or information acquired by him during the course of his employment, that was not discovered during a peer support session and is otherwise subject to discovery or introduction in evidence.

F. Civil immunity.

- (1)** Any governmental entity that has a peer support program, and its employees and agents, including peer support members, shall be immune from civil liability for, or resulting from, any act, decision, omission, communication, writing, report, finding,

opinion, or conclusion, done or made in good faith while engaged in efforts to assist a peace officer or public safety personnel through a peer support program.

(2) A person who in good faith reports information or takes action in connection with any peer support program is immune from civil liability for reporting the information or taking such action, or participating therein, and in particular, reporting information or taking action arising out of any peer support session. This immunity shall not protect a person who makes a report known to be false or with reckless disregard for the truth.

(3) The civil immunity provided by this Subsection shall be liberally construed to accomplish the purposes of this Section.

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Added by Acts 2021, No. 283, s. 1, eff. 8/1/2021.
