

NOPD CONSENT DECREE MONITOR
NEW ORLEANS, LOUISIANA



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File Number: 37PA-191555

Deputy Superintendent Danny Murphy
Compliance Bureau, New Orleans Police Department
714 Broad Street
New Orleans. LA 70119

Dear Superintendent Murphy:

This letter constitutes confirmation that the Office of Consent Decree Monitor (“OCDM”) has reviewed and provided comments on the revised Chapter 22.2.8 – New Orleans Police Peer Assistance (NOPPA). The OCDM has no objection to the policy as revised.

We believe that the revised Chapter 22.2.8 – New Orleans Police Peer Assistance (NOPPA), incorporates all requirements of the Consent Decree and sets forth clear and appropriate rules to guide officer conduct. We will continue to assess the adequacy of this policy following its implementation. If we identify any concerns following implementation, we will present those concerns to you and the Department of Justice. Additionally, we note that, pursuant to the Consent Decree, NOPD has agreed to review and revise policies and procedures as necessary upon notice of a significant policy deficiency. We also note NOPD’s obligation to review this policy after a year of implementation to ensure it “provides effective direction to NOPD personnel and remains consistent with the Agreement, best practices, and current law.” Consent Decree at ¶ 8.

We appreciate your team’s effort, cooperation, and responsiveness throughout this process.
Very truly

Very truly yours,

David L. Douglass
For SHEPPARD MULLIN RICHTER & HAMPTON LLP*
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CC: HONORABLE SUSIE MORGAN (VIA ELECTRONIC MAIL)
EMILY GUNSTON, DEPARTMENT OF JUSTICE (VIA ELECTRONIC MAIL)



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 22.2.8

TITLE: NEW ORLEANS POLICE PEER ASSISTANCE (NOPPA)

EFFECTIVE:

REVISED:

PURPOSE

This Chapter establishes guidelines for a Peer Assistance Program utilizing trained peer assistance specialists as volunteers supported by mental health professionals in the Officer Assistance Program. The Peer Assistance Program is established for the purpose of assisting Department personnel and their families who may be suffering from stress-related problems or experiencing traumatic incident stressors. A strict policy of confidentiality will be maintained regarding personnel identity and/or issues related to program utilization.

The goal of the program is to help members through a stress-related incident, promote an atmosphere of support and trust among members, promote an awareness of the self-help alternatives available to members, provide peer assistance specialists who can assist in problem resolution before a point of crisis is reached, and develop an additional system of referral, through peer assistance, within the Officer Assistance Program for appropriate professional care. Recognizing that not all Department personnel will choose to engage mental health professionals, the New Orleans Police Peer Assistance Program (NOPPA) is to provide both a formal and informal outlet for stress related problems or traumatic incidents.

POLICY STATEMENT

The Department supports and encourages members in securing high quality, confidential assistance. In keeping with this commitment, the Department has established the Officer Assistance Program, staffed with clinical professionals and trained peer assistance specialists who provide confidential counseling and consultation.

DEFINITIONS

Peer Assistance Program—A program that utilizes trained peers (i.e. police officers and other Departmental personnel and family members) to assist Departmental personnel who are experiencing emotional stressors and/or traumatic incidents.

Traumatic Incident—A traumatic or critical incident is a mentally painful and highly stressful event that cannot be resolved through normal, stress-coping mechanisms. These events may cause disabling emotional and physical problems unless members are adequately treated. A

traumatic incident is defined by an individual's unique, internal reaction to an event, not necessarily the external appearance or apparent magnitude of the event. It is not necessarily a life-threatening incident. Common incidents that pose the increased potential for trauma include, but are not limited to:

- Any police shootings where serious injury or death involves a departmental member;
- An actual or perceived threat to one's life or of grievous physical harm;
- A colleague's or family member's suicide or attempted suicide;
- Serious injury inflicted on, or death of, a colleague;
- Serious injury or death of a non-member, especially a child, under particularly tragic or grotesque circumstances;
- Cruelty/abuse to a child;
- Line of duty contact with friend/relative during a tragic/traumatic event;
- Death or injury of a person resulting from duty operations;
- Perceived 'failure' during a tragic/traumatic event;
- Large scale or prolonged disaster; and
- Incidents with high media exposure
- **Any** tragic/traumatic event that may have private/personal emotional significance to a member, particularly when the event is characterized by: relative surprise; intense negative emotion; and perceived helplessness.

New Orleans Police Peer Assistance Program (NOPPA)—NOPPA is a part of the Officers Assistance Program under the direction of the Director of the Officers Assistance Program.

Peer assistance specialist (PAS)—An individual who has received training in traumatic incident stress management and who has been designated to provide emotional and moral support and counseling to an NOPD member who needs those services as a result of a traumatic incident in which the NOPD member was involved while acting in his/her official capacity. A peer assistance specialist may be an emergency responder, a civilian volunteer of an emergency service agency or entity, a volunteer counselor, or a mental health services provider.

Critical Incident Stress Management (CISM)—An intervention protocol, conducted by peer assistance specialists, developed specifically for dealing with traumatic incidents. It is a formal, highly structured, and professionally recognized process for helping those involved in a critical incident to share their experiences, vent emotions, and learn about stress reactions and symptoms. A PAS can refer any member to the Officer Assistance Program for further assistance if required. It is a confidential, voluntary and educational process, sometimes called "psychological first aid."

One-on-One Counseling—Counseling that occurs, after a critical incident, with at least one member of the Traumatic Incident Team.

Groups Counseling—Counseling that occurs, after a critical incident, with at least one member of the Traumatic Incident Team and a group of employee members and/or the members' immediate or extended families.

PEER ASSISTANCE COUNSELLING PROCEDURES

1. Any Department member may initiate contact with a peer assistance specialist (PAS) for individual support. The PAS shall be allowed to counsel with peers while on-duty.
2. Any Department member may approach a PAS regarding a co-worker who appears to be dealing with a stress-related issue. A PAS may approach the employee during the

employee's normal tour of duty and attempt to initiate intervention; however, the decision to speak with a PAS rests ultimately with the employee. **Involvement with a PAS is voluntary.**

CRITICAL INCIDENT STRESS MANAGEMENT PROCEDURES

3. A Peer Assistance Specialist (PAS) may be activated to assist members following a critical incident.
4. Any supervisor on the scene of, or any individual involved in, a traumatic or high-stress incident may initiate contact with a PAS.
5. Regardless of rank, a PAS exercises no command authority while performing in the peer assistance function. The PAS role is to provide support and/or appropriate intervention to mitigate the impact of critical incident stress as a result of a critical incident.
6. If a CISM is deemed appropriate by the Director of the OAP, all Department members involved in, or witnessed, a critical incident/situation will be encouraged to attend the convened CISM. Although attendance is recommended, participation in the discussion is not. Follow-up resource information will be provided during the CISM. Attendees are free to make their own decisions regarding pursuit of any follow-up support.
7. The CISM can be conducted in any location providing ample space, privacy, and freedom from distractions. The site selection is subject to the approval of the OAP Director, who may request an alternate location if he/she determines the site to be unsuitable.
8. A PAS team CISM is not a critique of operations and/or performance or an investigative tool. It is designed to provide an opportunity for personnel to discuss their feelings or reactions to the stress resulting from exposure to a critical incident and to accelerate the normal recovery process.
9. The type of counseling conducted will depend on the circumstances of a particular incident. The PAS Team, under the guidance of the OAP Director, shall decide appropriate CISM or mediation strategy. The most commonly utilized types include:
 - (a) One-on-one;
 - (b) Group;
 - (c) Critical Incident Stress Management (CISM).
10. A Department member may refuse the participation of any particular PAS in his or her individual CISM session.

PEER ASSISTANCE MANAGEMENT, MEMBERSHIP, AND TRAINING

11. The PAS is under the administrative direction of the OAP Director as appointed by the Superintendent. Participation in the program, as a PAS, is voluntary and open to all sworn and non-sworn Department members and their families, regardless of rank, position, or assignment.
12. Personnel approved to become peer assistance specialists are required to successfully complete formal training approved by the OAP Director prior to performing in the PAS role.
13. A roster of PAS team members will be available on NOPD.org and through contact with OAP personnel.

MEMBERSHIP APPLICATION AND SELECTION

14. Personnel interested in becoming a PAS shall apply via the Officer Assistance Program. Officers will apply directly to the OAP office without prior approval from supervisors. Final approval for participation will depend upon the results of a panel review. Desirable characteristics of a PAS include:
 - (a) Trustworthiness, that is, a known or reputed ability to maintain confidentiality;
 - (b) Communication skills, especially listening skills;
 - (c) Credibility among peers, generally considered as deriving from either duration of service or personal experience sufficient to instill belief among fellow members that the PAS candidate can relate to or appreciate the stress, trauma, and/or psychological impact leading to use of the PAS.

CONFIDENTIALITY

15. The Officer Assistance Program will provide a trained mental health professional to advise the Department members and the members' immediate or extended families of any limitations to confidentiality with the mental health professional prior to the start of counseling if a family member or significant other of a Department member is in counseling with the Officer Assistance Program.
16. Counseling notes shall not be maintained by any member of the Officer Assistance Program on any member in counseling unless prior written approval has been obtained from the member.
17. No personally identifying information will be shared with the Department. No audit or review by the New Orleans Police Department can be conducted of the counseling documents maintained by the Officer Assistance Program. Member and members' family members will be provided with a confidentiality form, including the protections afforded to them before receiving counselling services with the Officer Assistance Program.
18. Confidentiality is protected according to the following laws:
 - (a) Federal Rule of Evidence 501 (Fed. R. Evid. 501) is a general rule of evidence which states that no federal rule of evidence will modify or supersede existing law relating to the privilege of a witness, person, government, state, or political subdivision.
 - (b) Louisiana Code of Evidence Art. 518 (La. Evid. Code art. 518) provides that a trained peer assistance member shall not be compelled to testify about any communication made to the trained peer assistance member by another officer. Therefore, NOPD member peer assistance specialist will be protected from being compelled to testify against another NOPD member
 - (c) Louisiana Revised Statute Title 37 Section 2718 (La. Stat. Ann. § 37:2718) provides a confidentiality privilege protecting social workers from being required to disclose any information acquired from persons consulting the social worker in his or her professional capacity.
19. The exceptions to confidentiality for the Officer Assistance Program imposed by law or by professional regulation on all psychologists, psychiatrists, family therapists, and psychotherapists include:
 - (a) **Threats of physical harm**—If any individual in counseling threatens to harm another person, the trained mental health professional is required by law and professional regulation to notify the threatened person and the local police department;

- (b) **Suicide**—Any trained mental health professional who reasonably believes that a client is seriously contemplating suicide is required by law and professional regulation to do everything possible to prevent such an attempt, including making whatever notifications are necessary to stop the attempted suicide;
- (c) **Child, domestic, and elder abuse**—If a client discloses participation in abuse of a child, domestic partner, a person with disability, or an elderly person, the therapist must notify the appropriate agency of such abuse; and
- (d) **Malpractice**—A therapist may use counseling material in defense of malpractice allegations.