

Representing Las Vegas Metro Police Department Officers and Deputy City and Municipal Court Marshals

VOLUME 10 | ISSUE 5

January/February 2016

THE LIMITATIONS OF BODY CAMERAS

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Representing Las Vegas Metro Police Department Officers and Deputy City and Municipal Court Marshals

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NAPO - National Association of Police Organizations, representing over 241,000 law enforcement officer members in more than 1,000 police associations nationwide ${\it "BIG~50"}$ - An informal association of the 50 largest law enforcement associations in the United States.

SNCOPS – Southern Nevada Conference of Police and Sheriffs



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Executive Director's Message

POLICE OFFICER MARK CHAPARIAN, EXECUTIVE DIRECTOR

Glancing Back as We Move Forward

Happy new year to each and every one of you! I sincerely hope that you were surrounded by family, friends and good cheer during the holiday season. This year is certainly shaping up to be an exciting and fruitful one for the members of the LVPPA. Let's first examine what we accomplished in 2015 that set us on the course we are on today.

The year began with a tall order regarding the objectives we needed to achieve during the 2015 Nevada legislative session. Police, pensions and collective bargaining were all on the chopping block, and we knew we were in the fight of our lives. Our LVPPA lobbyist joined forces with similar groups that are also in jeopardy, to wage battle against what can be described as guerilla-warfare legislation attempts to destroy our profession and livelihood. Considering the circumstances and the overwhelming odds against us, we finished the session with only SB 241 and SB 168 to deal with. Unfortunately, some have chosen to attempt to pervert the language in those new legislative provisions, and we are dealing with that through judicial review and administrative remedy. I'll address that later in this article.

The LVPPA was built and operates by a governing document called bylaws. In simple language, the bylaws are a document that provides direction for the

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Board of Directors, members and employees of the Association. Unfortunately, on rare occasions, an individual who may not have the best interests of the Association and the members we represent in their mind or in their actions must be dealt with accordingly. As we are all aware, this occurred in the spring of 2015, and although it was a difficult and dark day for the LVPPA, we rose to the occasion and utilized the bylaws given to us by the membership to take appropriate action, close ranks and continue serving our members without skipping a beat. This was not an easy endeavor, but all members of the Board of Directors were engaged, informed and willing to call a spade a spade. I'm proud of each and every one of them for the integrity they displayed.

Once I was elected as the new executive director, the new strategy of the LVPPA became immediately apparent as we ordered an audit to be completed on every financial aspect of our Association. At the same time, we assembled a bylaw review committee as well as an expense policy committee. Transparency (yes, I used that word!) is so very important to me regarding the Association's financial picture. After several weeks, our audit was complete and we received an excellent report regarding our accounting practices and financial standing. Soon afterward, we presented the Board of Directors with an expense policy that governs all expenditures of the LVPPA and requires strict accountability. The Board of Directors promptly approved the audit findings and the expense policy. The bylaw review committee is currently hard at work and following the process prescribed regarding changes and updates. The intent of the committee is to look for vulnerabilities and obsolete language in an attempt to keep our bylaws fresh, relevant and beneficial to the smooth operation of the Association. Lastly, we are working with Peavine Capital to build an official investment policy to govern the Association's assets. Our current portfolio is solid, strong and earning money, but building an investment policy will ensure a prudent strategy regarding long-term LVPPA goals and financial stability for many years to come. We anticipate both the bylaw committee review and investment policy to be complete and presented to the Board of Directors for approval in the near future.

We were very happy to pay off the Association building mortgage last August. You, the members, are the proud owners of our building. We had been accelerating payments since we purchased the building in 2008, with the goal of having it as an additional asset for the membership to enjoy for many years to come.

The Association teamed up with LVMPD to successfully lobby the Clark County Commission to pass the "More Cops" tax initiative. This issue has been a long and exhausting battle that the last Metro and LVPPA leaders failed to make happen. I'm proud to say we got this done within 90 days of starting my new position, and we are promised that it will deliver more than 132 additional police officers to Metro alone by the end of 2016.

Mike Ramirez and I have been busy building a Nevada State Lobbying Coalition of police officers. For the first time in Nevada history, it looks as if we will have one voice for cops. Mike and I were able to bring the Fraternal Order of Police (FOP), Nevada Association of Public Safety Officers (NAPSO), Peace Officers Research of Nevada (PORAN) and Southern Nevada Conference of Police and Sheriffs (SNCOPS) together to discuss, lobby and interview potential endorsees. This is big, historic and very powerful. Our goal is to ensure that politicians who claim to have "police endorsements" when they run for office actually have *all* of the police endorsements in Nevada or none at all. This will

(continued on page 13)



It's a New Year and the Fight Continues

POLICE OFFICER MIKE RAMIREZ

Assistant Executive Director/Director of Governmental Affairs

The LVPPA has had a very busy year — from fighting many battles in the legislature to electing a new LVPPA executive director to pending litigation about SB 241 — but we still have a long way to go. As the year ends, I would like to remind every member of the importance of being involved with your union. Whether you realize it or not, we came very close to losing many of the rights that police officers in Nevada are lucky to enjoy. If not for our political partners and union alliances, we may very well have come up on the losing end. I do not think any of us wants to see the day when, the next time our contract is up for negotiation, there is no one bargaining for our rights, pay and benefits.

I challenge all of you to come to at least two quarterly membership meetings in 2016. We still have our contract to negotiate this year, which could affect the LVPPA financial outlook. In addition, I challenge you to get involved in our local and state representative endorsement process. The representatives who compete for your endorsement have made promises to support law enforcement initiatives, and they must be held to those promises. It will also help you make informed decisions in the November 2016 election. This election could have far-reaching consequences for cops, depending on who is voted into office

and which party has the majority. Remember that we fight not only for your current benefits, but also for the benefits that you will enjoy once you retire.

Lastly, if there is something that you would like to see changed at the LVPPA or something you do not like, our doors are always open to hear your complaints or compliments, or you can call us anytime. As always, we are here for you. Please do not rely on the rumor mill when it comes to your union. If you want answers, please come straight to the source. I, along with the entire staff at the LVPPA, trust that all members and their families had a merry Christmas and wish you a wonderful and prosperous new year. Be safe, and know we are here to fight the fight for you. Feel free to contact me at mramirez@lvppa.com. VB

INSIGHT

When you come to the end of your rope, tie a knot and hang on.

— Franklin D. Roosevelt, cited in Great Quotes From Great Leaders

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More Enhancements to Your Health Plan

CORRECTIONS OFFICER THOMAS REID

Director of Operations

New Provider Networks

Effective January 1, 2016, the Metro Health Trust will no longer use Beech Street and PHCS as our PPO network for doctors or hospitals. The *new* networks are now Sierra Health-Care Options (SHO) in Nevada, and United Options outside of Nevada.

On January 1, 2016, please begin using your new ID card that was mailed to you in December. To search for a provider or to see if your provider is in the new network, go to www.umr.com, click the "Find a provider" button, scroll down to and select "L," click the link for LVMPD Health Trust, and then choose the type of provider you're looking for from the list. We understand that there may be some doctors who are not contracted with the new network. We are doing our best to recruit doctors; however, all may not join the network.

We have not changed plans — only the list of doctors that the plan uses. Your benefits have not changed, and UMR is still the third-party administrator (TPA) for our plan. The question you need to ask at a doctor's office when scheduling is "Are you contracted with Sierra Health-Care Options (SHO) or United Options?" Please don't just ask "Do you take my insurance?" Your plan has an out-of-network benefit, so *all* doctors will "take" anyone's insurance. The key question is whether they have a contract with SHO or United Options.

SHO and United Options have more doctors nationally, and we believe the change will improve your access to doctors and urgent care facilities. This is a national network that is more comprehensive than the one we had with Beech Street and PHCS. This is *not* a "narrow" or "skinny" network. In Nevada, you will now have access to Southwest Medical Associates and its 14 urgent care facilities, as well as its Convenient Care Centers. They are located all over the Valley, and the 24-hour urgent care is on Rancho just north of Charleston Boulevard. Your large insurance information packet, which was mailed in December, includes a listing of urgent care facilities and Southwest Medical Convenient Care Centers for your reference.

Urgent Care Xtra, CVS Take Care Clinics and Walgreens Healthcare Clinics are *not* currently in the SHO network. SHO is reaching out to these providers in an attempt to contract with them on our behalf, so please use

the centers listed in the information packet directory in the interim to avoid any possible non-contracted/non-PPO charges. Contracts may not be in place until after January 2016.

Stronger Mental Health and Substance Abuse Benefits With Lower Copays

To enhance the benefits and access to care for mental health and substance abuse disorders, the Health Trust Board approved adding a specialty program called an Employee Assistance Program (EAP) to the Health Trust benefits. This program allows for up to three *free* visits for you and any family member living in your household, *whether they are on the Plan or not*.

The partnership with Behavioral Health Options (BHO) allowed us to add a network that contracts specifically with mental health and substance abuse providers to help make it easier for you to find a counselor that is contracted. They will do the provider search for you based on what you tell them you need. These benefits are administered by BHO, and they can be reached by calling UMR's customer service number, (866) 868-1395. Just follow the prompts.

The Board of Trustees recognizes the importance of maintaining your mental health, so they reduced the copayment from \$30 to \$15 per visit for counseling.

Other Advantages to Your New Network

There are some perks that come with the network change that we want you to know about, so that if you are contacted by a nurse you will understand their role

- On-site nurses in the Las Vegas Valley area hospitals will help you through your stay and help you coordinate any care needed after you get discharged.
- A team of advocates for post-hospital needs will help reduce complications and readmissions.
- A designated medical director will work closely with the on-site nurses, advocates and your health plan P# 9330 director to ensure that quality care is being received at the right place and the right time, and given by the right providers.
- Our Prior Authorization and Complex Case Management teams are moving to Las Vegas. This allows our clinical teams to be in the same time zone with us, making it easier for us and our health care provider community to work with them.

I encourage you to take advantage of any programs offered by the plan, including complex case management. Those teams are in place to help you get what you need when you need it. Please take their calls and allow them to help!

Late-Breaking News!

Effective January 1, 2016, Dignity Health, better known as St. Rose Hospital, will be back in the network as a PPO hospital. That includes all three hospitals (De Lima, Siena and San Martin) and their affiliated surgery center, Durango Surgery Center.

If you have any questions concerning the new network or how to access the providers list, please call UMR at (702) 413-1701, or contact Health Plan Director Kelly Taylor at (702) 641-2160 or **Kelly.Taylor@metrohealthtrust.com**. **VB**





What Is "the Department"?

DETECTIVE DARRYL CLODT

Sergeant at Arms

I have heard the phrase "the Department" a million times, and I think we all take it for granted that when we use that phrase we mean the same thing. But do we? I really believe that it means different things to different people. I will throw some thoughts out there and let you determine what "the Department" really is.

Some may think of the administration when they think of "the Department." So what is the administration, and what is its role in "the Department"? I think most of us would agree that the administration includes at least those of the rank of captain and above, and maybe even lieutenants and sergeants as well. But is this group of managers and supervisors "the Department"? I find it ironic that in order to promote to and become part of the administration, you have to be a police officer first, and probably a pretty good one. And one would also assume that those of rank all remember what it was like to have a below-average or even poor-quality supervisor. You would think that our supervisors, armed with this knowledge and now in a position with the power and ability to change things, would strive to be the best that they can be. You would think that our supervisors would strive to be great role models and teachers and to remember what it

was like when they were out on the street and, as a result, would unquestionably support their officers when push comes to shove. If the decisions our supervisors make do not help the rank and file and make "the Department" better, then what is the point of promoting in the first place?

We can also look at the phrase "the Department" from the view of the troops on the street and the employees in the offices. Is "the Department" the police officers? Is "the Department" the civilian support staff? How can we, the troops ourselves, be "the Department" if we don't make the decisions or policies governing our agency? I still remember why I chose to make law enforcement my career: I wanted to help people, to go after bad guys and to make my community safe. With this in mind, I wonder why so many of us seem to try to alienate our citizens in the way we deal with them and talk to them. I wonder if some of our conduct would be the same if we kept in mind that the person we had stopped for a citation was the civilian who was paying our salaries, and whether that would affect how we deal with that individual. Do we ever give appropriate credit to those who help us do our job? Remember that before a police officer arrives on a call, more than likely a civilian has already started the process, answering the call, taking and evaluating information,

(continued on page 20)



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CORRECTIONS OFFICER SCOTT NICHOLAS

Treasurer

Our cab ride voucher program is entering its third year, and it has been a success.

Looking at the vouchers that have been returned for payment, it is clear that a lot of our members are using the program and making the right choices. Some of the vouchers that were returned this year have taken our members 30-plus miles! Now think about how many DUI accidents you have gone to a call on or made an arrest for that happened within a mile or two of the person's home. You don't have to be far from home to bounce off of a car or two because you thought you could make it!

It is clear that if you drink and drive, you will eventually get caught. The cab ride is free, but the criminal defense attorney is not! A first DUI will cost you around \$2,000 for an attorney, plus court costs, insurance premium increases and, of course, the 40-hour suspension.

As most of you know, a second DUI will cost a lot more — it will cost you your job! How much is that worth? \$4 million to \$5 million, counting your retirement benefits.

It's just not worth the trouble. We go through a lot to be hired by LVMPD, so please don't throw it all away because you didn't want to leave your car in a parking lot. Your car will be OK, and if it isn't, so what? The insurance will cover anything that happens to it, so don't use this as an excuse to drink and drive, convincing yourself that you can make it home safely.

We have had some issues with officers getting into the wrong cab, and the driver not accepting the voucher. If you are sober enough to remember, ask the driver before you leave if they are participating in our program. If they say no, you can still take the cab. Just pay for the ride and get the receipt. Send the receipt to me, and I will send you a check for the full amount. It's that easy.

Here is where you will have the best luck: Frias at (702) 888-4888, or Whittlesea-Bell, account number 205, at (702) 384-6111. Yellow will still give you a ride, but we have removed its phone number from our vouchers because of some early complications.

Please be safe, and plan ahead by having a voucher with you whenever you go out. If you need one, email me and I will make sure one is sent to you ASAP.

Thank you for your membership! VB





Body-Worn Cameras: Do They Really Tell the Whole Story?

POLICE OFFICER BRYAN YANT

Director of Technology

Today cameras are everywhere, recording everything you do and say. These recordings aren't controlled, and can be manipulated and edited to show what someone wants the viewer to see. So, as officers, why not control the video and document what really occurred on the scene with a body camera so that viewers can get the unedited, unbiased truth? Or is the body camera really going to show that? There are several limitations to body cameras. Just as with any tool, there are pros and cons that you need to be aware of. Understand that body-camera recordings depict visual information, and the human eye and brain are likely to perceive events under stress differently than a camera does. The recording may depict things you did not see or hear, and likewise, you may have seen or heard things not captured by the camera. Due to stress, some of the events may have happened faster than you perceived and absorbed them.

If you were hired after July 1, 2013, you must wear a body camera, if available. All other officers may choose to wear a body camera, unless you test for a new position and in the job announcement it states that by accepting the position you will be required to wear a body camera. LVMPD utilizes the Taser Axon Flex body camera. Some very key information and specs for this camera are that it records at 30 frames per second, has night-enhancing recording modes and has a field of view of 75 degrees. Per LVMPD policy, when an officer has used force, the officer will review the body-camera footage prior to any statements being made. Review your footage several times, take notes and watch it again!

Let's be real now: Any use of force recorded on video does not look good. From a handcuffing arm lock transitioning to a takedown, to a full-blown shootout between the suspect and officer, the video is going to look shocking. The media and citizens not trained in use of force will see the subject being "slammed to the ground" or "executed" and will not see and understand the entire dynamics of the event they have just watched on the video. The video may not show the subject tensing up and bracing as the officer tries to place them into custody, which resulted in the takedown.

CALENDAR

January 18 Martin Luther King Jr. Day

February 14 Valentine's Day

February 15 Presidents Day

March 3 First Quarter General Membership Meeting, 5 p.m.

(food and beverages provided)*

*General Membership Meetings are quarterly rather than monthly. If you need to present something before the Board prior to a regularly scheduled General Membership Meeting, please contact the PPA office so you can be accommodated.

The video is played back at full speed, but these cameras record at 30 frames per second. So we can play frame by frame and show every fine detail the camera records.

With a field of view of 75 degrees, the body camera records at a very wide angle, which can result in optical distortion. This is great for recording scenes and documenting everything going on around you on a call. However, when you are under stress during critical events, your field of view shrinks to three degrees or less. Your body starts protecting itself and focusing on what it needs to do to survive. This is often called tunnel vision or selective attention. Tunnel vision is key to keeping us safe and alive. Your body camera doesn't show what your vision and focus were during a critical event; it shows *everything!* The body camera does not capture your thoughts, emotions, training and focus. During a crisis, your decision-making process is quick and instinctive. A decision error can be made; however, the reason for the error is strong and articulable but still the wrong decision. With the bodycamera footage and the officer's thoughts, emotions, training and focus, the decision error can be explained.

Please be sure to read the article "10 Limitations of Body Cams You Need to Know for Your Protection" on page 14, so that you can be aware of these factors. **VB**





Professional Versus Personal

DETECTIVE STEVE GRAMMAS

Secretary

Why am I writing an article on professional versus personal? Oftentimes when things do not go our officers' way, we are told by the Department, "This isn't personal." I can't help but think that statement is a bunch of crap. In my 17 years on this Department, I haven't seen more of a personal touch than now on a lot of the investigations by Metro. It is quite upsetting how much the Department takes a personal interest in these investigations. Now don't get me wrong — a personal touch on an investigation could be good. To care about the officer, their mental well-being and level of anxiety; to care for the officer and their family during the course of the investigation; and to take into account how much the simplest investigation takes a toll on any officer would be a welcomed personal touch. But that's not the personal side that I am speaking about.

Take, for example, a case where you, the officer, have some form of negative sanction against you. When this was done to you, no doubt the Department's stance was "Hey, don't be upset. This was the process. While we know you may not be happy with the outcome, the best thing to do is accept it and move on. It isn't personal, it's just the way it is." After this, you exercise your contractual right to grieve this negative sanction. It is usually at this point that you start to weigh

if it is worth it to file the grievance. You question if you will be putting a target on your back or possibly ruining your entire career for filing the grievance. The horrible thing is that you're probably right. No doubt a supervisor or two will have the talk with you about "Do you really think this is the smartest move for you to make?" And quite possibly, depending on the risk versus reward, it may not be worth it. That is a crappy thing for me to say, but it is true. But let's say you do fight and you win! If you were in, say, a detective spot and after the arbitration case you lost, Metro would be sure to have you transferred out by the next transfer date. But if you won, do you think they would honor that same rapid movement? Not even close. They would stew over the decision and figure out a way to possibly stall before finally complying with the ruling.

It is this type of situation that brings me to "professional versus personal." If it truly wasn't personal and it was indeed professional, when you handed your superior the grievance, they wouldn't be pissy with you or treat you differently. They would accept the grievance and explain why they felt they were correct, but convey that there would be no hard feelings, no grudges kept and no target put on your back. If you won an arbitration case, they would move swiftly to abide by the ruling and move you back to where you were, and again explain that this movement was truly not personal, but rather professional, and all they expected from you was to be the best employee you could be for this agency. It seems that





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more and more discipline is personally driven rather than professionally driven. A good amount P# 5000 of these cases are driven, not by a poor-performing employee, but rather by a personal dislike for the employee. What a horrible thing to have to worry about at *work*! Does my boss like me enough to not try to screw with me and harm my career with heavy-handed discipline just because we aren't the best of buddies?

I hope this article is read, not just by our members, but also by the supervisors of this agency. Be professional. Act in a professional way. Believe in and live the I CARE values that we have striven to follow throughout this Department. The first-line employees will amaze you with the work they can do without the fear of being personally targeted by their supervisor. And lastly, I hope the only personal interest you take in your employees is genuinely caring about them enjoying coming to work and doing this very dangerous and unpredictable job that they do. That person you're messing with for no reason may be the first one to arrive to save your life during a critical incident, or that employee may walk out of your office and never walk on this earth again. Keep in mind how fragile our time is here on earth, and treat people fairly and in the same manner you would want someone to treat you. I would hope the last thing anyone would want on their heart and mind if an officer made the ultimate sacrifice and lost their life was that you were targeting them because of a personality conflict or the fact that you or someone else just didn't like them. For all our members who worry about these issues, just know that we here at the PPA are here for you 24/7, and will do anything and everything that you may ever need. VB

INSIGHT

We must build a new world, a far better world — one in which the eternal dignity of man is respected.

— Harry S.Truman, cited in Great Quotes From Great Leaders

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KELLY SWEENEY

Director of Employee Relations

Here I was, happily retired, enjoying being lazy. Well, that's not really true; I'm definitely a Type A personality, always looking for something to do. Crazy thing about instant messenger on Facebook — I got a message from the PPA. Hmm? Turns out they didn't have my phone number, but they tracked me down! And that is how I came to the LVPPA in October 2015. As many of you know, I formerly held the position of director of labor relations with Metro. I was with the Office of Labor Relations for nearly 14 years, serving as a senior analyst, a manager and then director. P# M731 In addition, I served as a trustee on the LVMPD Employee Health and Welfare Trust until my retirement.

Prior to coming to Metro in 2001, I served with the State of Nevada for 15 years in Human Resources and Employee Relations, working for the Department of Personnel, formerly the Department of Motor Vehicles and Public Safety (Nevada Highway Patrol, Parole and Probation, and



Division of Investigations), and finally as the Personnel Manager for the Department of Business and Industry. In this position, I was responsible for resolving employee grievances and discipline issues for 20 agencies and over 600 employees statewide.

While I was working, I was also involved with the International Public Management Association (IPMA) locally in Southern Nevada, where I was the treasurer for three years. I also hold the Certified Labor Relations Professional (CLRP) certification.

My husband, Dan, is a realtor with Berkshire Hathaway, and is happy for me that I am out of the house again on a regular basis! I have one daughter, Olivia, who recently graduated from UNR as a civil engineer, and is off living on her own. I travel as my main source of fun, but I also love to cook and drink wine! I consider myself a "foodie" and am always looking for a new spot to try.

I enjoy employee and labor work, and am truly delighted to be a part of the LVPPA. I am looking forward to bringing my talents to the team and helping in any way I can. VB



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EXECUTIVE DIRECTOR'S MESSAGE

(continued from page 4)

make our endorsements more valuable, more powerful and more meaningful to the ones who've earned it.

Let's revisit SB 241, the new law that says that associations must pay or give concessions for the hours used by association representatives to help members. Our sister association, PPACE, was sucker-punched by Metro last summer and instructed to come back to work or pay more than \$40K a month to the Department for the employees who are assigned there. The LVPPA and LVPMSA were told we were next as soon as our contract expires in July 2016, so we took proactive steps to stop the madness. We filed amicus briefs with the Employee Management Relations Board (EMRB) to support the ongoing SEIU v. Clark County issue similar in nature to ours. The EMRB's recent decision slam-dunked any employer attempting to pervert the law, and clearly defined that SB 241 is a subject of mandatory bargaining (what we told them it was all along) and that the "evergreen" clause is valid in contracts (meaning they can't order assigned association members back to work) until we've concluded a new contract. Furthermore, LVPPA and LVPMSA have challenged the entire SB 241 law in federal court as unconstitutional, as it applies to our specific groups of people and is not equally applied to nontraditional police work conducted by officers all around LVMPD. We are confident that we are making headway and find it disturbing that it appears some are choosing to attempt to manipulate the law instead of applying it as it clearly is defined. Lastly, we can celebrate once again, as the PMSA has won a major victory in the Nevada Supreme Court regarding disciplinary transfers cloaked as administrative transfers. For years we've had Association members transferred from a choice assignment, usually with ADP, for no reason given except that they "are not effective in their assignment." No documentation, no justification, nothing. The court found for the member, and Metro was ordered to reinstate him to where he was and pay him for all the ADP he missed due to the inappropriate transfer. This case sets a new precedent.

This last fall, we recruited and hired Kelly Sweeney, who was the former LVMPD director of labor relations. Kelly is now the LVPPA's director of employee relations, and is vigorously assisting us in defending our members with her vast knowledge and experience, having worked for the employer side for 30 years prior. Kelly has brought a new level of professionalism and understanding to our team, and she has already proven to be a valuable asset available to each member of our Association.

Mike Sullivan joined the LVPPA as our political consultant and has years of experience in Nevada regarding the political and legislative process. He will continue to provide the guidance and strategy in the political arena for the LVPPA. Mike's job is to open doors and open minds of those who may have influence, so that the LVPPA's position may at least get some consideration and attention.

The Association has successfully negotiated a contract for the Las Vegas City Marshals, and its final approval was completed by the City Council in November. The COLA and deferred compensation employer matching funds alone are worthy of note. We broke new ground on this contract, and our goal is to take some of these concepts and ideas to the new LVMPD/LVPPA contract, which we will begin negotiating in 2016. You can find the new Marshals contract on our website.

The improvements and new ideas keep coming, and we just keep getting better and better at serving you, the members. 2015 was a challenging year, but also the most productive year I can remember. We continue to boast high membership percentages, and that tells me and the rest of my peers that we are doing many things right. We will never stop looking for ways to improve and make our Association better. We are poised for an excellent year, and our recent history will prove that our hard work was not in vain. We are more than prepared to blaze the trail in 2016, and I encourage all of you to become more involved. Consider attending our general membership meetings, volunteer for committees, come and enjoy the holiday shindigs (Trunk or Treat and Santa Day), apply for a sports/scholarship donation, or just drop in and say hello. I encourage each of you to send me feedback, comments and suggestions. We work for you, and *your* satisfaction is our goal!

As always, be safe. VB





he idea is building that once every cop is equipped with a body camera, the controversy will be taken out of police shootings and other uses of force because "what really happened" will be captured on video for all to see.

Well, to borrow the title from an old Gershwin tune, "It Ain't Necessarily So." There's no doubt that body cameras — like dash cams, cellphone cams and surveillance cams — can provide a unique perspective on police encounters and, in most cases, are likely to help officers. But like those other devices, a camera mounted on your uniform or on your head has limitations that need to be understood and considered when evaluating the images they record.

"Rushing to condemn an officer for inappropriate behavior based solely on body-camera evidence can be a dicey proposition," cautions Dr. Bill Lewinski, executive director of the Force Science Institute. "Certainly, a camera can provide *more* information about what happened on the street. But it can't necessarily provide *all* the information needed to make a fair and impartial final judgment. There still may be influential human factors involved, apart from what the camera sees."

In a recent conversation with *Force Science News*, Lewinski enumerated 10 limitations that are important to keep in mind regarding body-camera evidence (and, for the most part, recordings from other cameras as well) if you are an investigator, a police attorney, a force reviewer or an involved officer. This information may also be helpful in efforts to educate your community.

(Some of these points are elaborated on in greater depth during the Force Science Certification Course. Visit **www.forcescience.org** for information on the course. An earlier report on body-cam limitations appeared in *Force Science News* #145, sent 3/12/10. You will find it online at **www.forcescience.org/fsnews/145.html**.)

1. A CAMERA DOESN'T FOLLOW YOUR EYES OR SEE AS THEY SEE.

At the current level of development, a body camera is not an eye-tracker like FSI has used in some of its studies of officer attention. That complex apparatus can follow the movement of your eyes and superimpose on video small red circles that mark precisely where you are looking from one microsecond to the next.

"A body camera photographs a broad scene but it can't document where within that scene you are looking at any given instant," Lewinski says. "If you glance away from where the camera is concentrating, you may not see action within the camera frame that appears to be occurring 'right before your eyes.'

"Likewise, the camera can't acknowledge physiological and psychological phenomena that you may experience under high stress. As a survival mechanism, your brain may suppress some incoming visual images that seem unimportant in a life-threatening situation so you can completely focus very narrowly on the threat. You won't be aware of what your brain is screening out.

"Your brain may also play visual tricks on you that the camera can't match. If a suspect is driving a vehicle toward you, for example, it will seem to be closer, larger and faster than it really is because of a phenomenon called 'looming.' Camera footage may not convey the same sense of threat that you experienced.

"In short, there can be a huge disconnect between your field of view and your visual perception and the camera's. Later, someone reviewing what's caught on camera and judging your actions could have a profoundly different sense of what happened than you had at the time it was occurring."

2. SOME IMPORTANT DANGER CUES CAN'T BE RECORDED.

"Tactile cues that are often important to officers in deciding to use force are difficult for cameras to capture," Lewinski says. "Resistive tension is a prime example.

"You can usually tell when you touch a suspect whether he or she is going to resist. You may quickly apply force as a preemptive measure, but on camera it may look like you made an unprovoked attack, because the sensory cue you felt doesn't record visually."

And, of course, the camera can't record the history and experience you bring to an encounter. "Suspect behavior that may appear innocuous on film to a naïve civilian can convey the risk of mortal danger to you as a streetwise officer," Lewinski says. "For instance, an assaultive subject who brings his hands up may look to a civilian like he's surrendering, but to you, based on past experience, that can be a very intimidating and combative movement, signaling his preparation for a fighting attack. The camera just captures the action, not your interpretation."

3. CAMERA SPEED DIFFERS FROM THE SPEED OF LIFE.

Because body cameras record at much higher speeds than typical convenience store or correctional facility security cameras, it's less likely that important details will be lost in the millisecond gaps between frames, as sometimes happens with those cruder devices.

"But it's still theoretically possible that something as brief as a muzzle flash or the glint of a knife blade that may become a factor in a use-of-force case could still fail to be recorded," Lewinski says.

Of greater consequence, he believes, is the body camera's depiction of action and reaction times.

"Because of the reactionary curve, an officer can be half a second or more behind the action as it unfolds on the screen," Lewinski explains. "Whether he's shooting or stopping shooting, his recognition, decision-making and physical activation all take time — but obviously can't be shown on camera.

"People who don't understand this reactionary process won't factor it in when viewing the footage. They'll think the officer is keeping pace with the speed of the action as the camera records it. So without knowledgeable input, they aren't likely to understand how an officer can unintentionally end up placing rounds in a suspect's back or firing additional shots after a threat has ended."

4. A CAMERA MAY SEE BETTER THAN YOU DO IN LOW LIGHT.

"The high-tech imaging of body cameras allows them to record with clarity in many low-light settings," Lewinski says. "When footage is screened later, it may actually be possible to see elements of the scene in sharper detail than you could at the time the camera was activated.

"If you are receiving less visual information than the camera is recording under time-pressured circumstances, you are going to be more dependent on context and movement in assessing and reacting to potential threats. In dim light, a suspect's posturing will likely mean more to you immediately than some object he's holding. When footage is reviewed later, it may be evident that the object in his hand was a cellphone, say, rather than a gun. If you're expected to have seen that as clearly as the camera did, your reaction might seem highly inappropriate."

On the other hand, he notes, cameras do not always deal well with lighting transitions. "Going suddenly from bright to dim light or vice versa, a camera may briefly blank out images altogether," he says.



5. YOUR BODY MAY BLOCK THE VIEW.

"How much of a scene a camera captures is highly dependent on where it's positioned and where the action takes place," Lewinski notes. "Depending on location and angle, a picture may be blocked by your own body parts, from your nose to your hands.

"If you're firing a gun or a Taser, for example, a camera on your chest may not record much more than your extended arms and hands. Or just blading your stance may obscure the camera's view. Critical moments within a scenario that you can see may be missed entirely by your body cam because of these dynamics, ultimately masking what a reviewer may need to see to make a fair judgment."

6. A CAMERA ONLY RECORDS IN 2-D.

Because cameras don't record depth of field — the third dimension that's perceived by the human eye — accurately judging distances on their footage can be difficult.

"Depending on the lens involved, cameras may compress distances between objects or make them appear closer than they really are," Lewinski says. "Without a proper sense of distance, a reviewer may misinterpret the level of threat an officer was facing."

In the Force Science Certification Course, he critiques several camera images in which distance distortion became problematic. In one, an officer's use of force seemed inappropriate because the suspect appears to be too far away to pose an immediate threat. In another, an officer appears to strike a suspect's head with a flashlight when, in fact, the blow was directed at a hand and never touched the head.

"There are technical means for determining distances on 2-D recordings," Lewinski says, "but these are not commonly known or accessed by most investigators."

(continued on page 16)

(continued from page 15)

7. THE ABSENCE OF SOPHISTICATED TIME-STAMPING MAY PROVE CRITICAL.

The time-stamping that is automatically imposed on camera footage is a gross number, generally measuring the action minute by minute. "In some high-profile, controversial shooting cases that is not sophisticated enough," Lewinski says. "To fully analyze and explain an officer's perceptions, reaction time, judgment and decision-making it may be critical to break the action down to units of one-hundredths of a second or even less.

"There are post-production computer programs that can electronically encode footage to those specifications, and the Force Science Institute strongly recommends that these be employed. When reviewers see precisely how quickly suspects can move and how fast the various elements of a use-of-force event unfold, it can radically change their perception of what happened and the pressure involved officers were under to act."



"The more cameras there are recording a force event, the more opportunities there are likely to be to clarify uncertainties," Lewinski says. "The angle, the ambient lighting and other elements will almost certainly vary from one officer's perspective to another's, and syncing the footage up will provide broader information for understanding the dynamics of what happened. What looks like an egregious action from one angle may seem perfectly justified from another.

"Think of the analysis of plays in a football game. In resolving close calls, referees want to view the action from as many cameras as possible to fully understand what they're seeing. Ideally, officers deserve the same consideration. The problem is that many times there is only one camera involved, compared to a dozen that may be consulted in a sporting event, and in that case the limitations must be kept even firmer in mind."

9. A CAMERA ENCOURAGES SECOND-GUESSING.

"According to the U.S. Supreme Court in *Graham v. Connor*, an officer's decisions in tense, uncertain and rapidly evolving situations are not to be judged with the '20/20 vision of hindsight," Lewinski notes. "But in the real-world aftermath of a shooting, camera footage provides an almost irresistible temptation for reviewers to play the coulda-shoulda game.

"Under calm and comfortable conditions, they can infinitely replay the action, scrutinize it for hard-to-see detail, slow it down, freeze it. The officer had to assess what he was experiencing while it was happening and under the stress of his life potentially being on the line. That disparity can lead to far different conclusions.



"As part of the incident investigation, we recommend that an officer be permitted to see what his body camera and other cameras recorded. He should be cautioned, however, to regard the footage only as informational. He should not allow it to supplant his first-hand memory of the incident. Justification for a shooting or other use of force will come from what an officer reasonably perceived, not necessarily from what a camera saw."

(For more details about FSI's position on whether officers should be allowed to view video of their incidents, see *Force Science News* #114 [1/17/09]. You will find it online at www.forcescience.org/fsnews/114.html.)

10. A CAMERA CAN NEVER REPLACE A THOROUGH INVESTIGATION.

When officers oppose wearing cameras, civilians sometimes assume they fear "transparency." But more often, Lewinski believes, they are concerned that camera recordings will be given undue, if not exclusive, weight in judging their actions.

"A camera's recording should never be regarded solely as *the* Truth about a controversial incident," Lewinski declares. "It needs to be weighed and tested against witness testimony, forensics, the involved officer's statement and other elements of a fair, thorough and impartial investigation that takes human factors into consideration.

"This is in no way intended to belittle the merits of body cameras. Early testing has shown that they tend to reduce the frequency of force encounters as well as complaints against officers.

"But a well-known police defense attorney is not far wrong when he calls cameras 'the best evidence and the worst evidence.' The limitations of body cams and others need to be fully understood and evaluated to maximize their effectiveness and to assure that they are not regarded as infallible 'magic bullets' by people who do not fully grasp the realities of force dynamics."

Our thanks to Parris Ward, director and litigation graphics consultant with Biodynamics Engineering, Inc., for his help in facilitating this report.

For more information on the work of the Force Science Institute, visit www. forcescience.org.

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Metro: Our History, Our Story

STAN OLSEN

Retired LVMPD and President, Metropolitan Police Museum and Historical Society

As I stated in the last issue, our history runs deep and began with our parent organizations, the Las Vegas Police Department and the Clark County Sheriff's Office. This article will talk about two officers I knew and worked around: Ocie Pigford and Frank Macauley.

Some of you may have heard of or read Truman Capote's 1965 book, In Cold Blood: A True Account of a Multiple Murder and Its Consequences. What you may not know is that the two suspects were captured in Las Vegas.

Early on the morning of November 15, 1959, Herbert Clutter, a wheat farmer; his wife, Bonnie; their son, Kenyon; and their daughter, Nancy, were murdered in their home in Holcomb, Kansas. The suspects, Richard Eugene Hickock and Perry Edward Smith, two ex-convicts, entered the Clutter home through an unlocked door, in search of a safe they believed was hidden in the house. They woke, tied and gagged the family, then hunted for the safe that never existed. Intent on leaving no witnesses, they cut Mr. Clutter's throat and shot him, then killed the rest of the family with gunshots to their heads. They left with less than \$50 cash, an old radio and a pair of binoculars. They were headed out of Kansas.

Early on the evening of December 30, 1959, Hickock and Smith were at the Las Vegas Post Office, today the National Museum of Organized Crime and Law Enforcement (Mob Museum), trying to pick up P# 13451 mail sent General Delivery. They were in a stolen 1956 Chevy.

Unseen by the killers, Officers Pigford and Macauley had spotted the car with an out-of-state plate and a JDLR (just don't look right) Hickock



Photo by Spacini at en.wikipedia. Licensed under CC BY 3.0 via Wikimedia Commons

The Clutter home today

standing next to it. They ran the plate through dispatch, and the answer was that it was a stolen car from Johnson County, Kansas. The officers settled in to watch for a possible second suspect. Shortly, Smith came out of the post office and got into the car. Both suspects were still unaware of the officers watching. Pigford and Macauley pulled up on the culprits and, at gunpoint, arrested two of the most notorious killers of that time.

Both men were extradited back to Kansas, where they stood trial and were convicted and sentenced to death. Five years later, on April 14, 1965, the killers were executed by hanging.

Had it not been for the two alert Las Vegas officers, the capture could have been long delayed at best, and other innocent people might have been killed. VB





CONGRATULATIONS

to the contest winners from the last issue!

November/December

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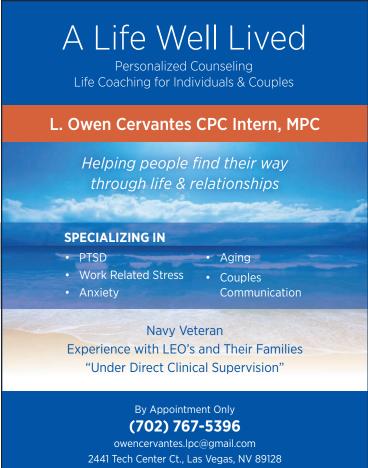
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WHAT IS "THE DEPARTMENT"?

(continued from page 7)

beginning a report. And before a commissioned officer puts someone in jail, a civilian has processed the crime scene and given us the evidence to help us do our job. In some agencies, police officers do all these jobs, so I wonder ... what is this thing is we call "the Department"?

Finally, let's look at it from the public's perspective. Frankly, this may be the most important and relevant view of all, and one we should certainly all consider. When somebody needs help, whom do they call? They call the police department. But who shows up to that call, and do you really think that members of the public care, so long P# 9840 as help and assistance arrive? For the sake of argument, let's say that "the Department" is all these things. When the public cries out, "The police department has failed us," are you commissioned officers of "the Department" turning your heads and saying,

RETIREMENTS

| 12/11/15 | Joy Banerjee, P# 5365 | CO II | 19 years |
|----------|---------------------------|-------|----------|
| 12/11/15 | David Devaney, P# 4001 | CO II | 25 years |
| 12/18/15 | Raymond Martinez, P# 3483 | PO II | 27 years |
| 12/22/15 | Dan Drummond, P# 5592 | PO II | 18 years |
| 12/27/15 | James Fink, P# 4780 | PO II | 21 years |
| 12/28/15 | Guy Hui, P# 3801 | PO II | 26 years |
| 12/30/15 | Kelly Korb, P# 3373 | PO II | 27 years |
| 12/30/15 | Clinton Malburg, P# 4002 | PO II | 25 year |
| | | | |

"That isn't me they are talking about"? Are you noncommissioned personnel, who are generally the first ones the public has contact with, the ones they are talking about when the public believes they have been failed? Let's not forget the managers and supervisors, considering they make all the rules, policies and procedures. Do you think the public is talking about you as well when they express their dissatisfaction?

That all being said, I think we need to recognize that we all are "the Department." The administration, the commissioned officers and the civilian employees are all integral parts of this agency, without which we could not operate and succeed as a whole. Despite some of my comments above, I truly believe this is the best agency in the country to work for; if I did not think this, I would be working elsewhere. We are the best because the men and woman of this agency make it so. We are recognized across the country as one of the top law enforcement agencies around. I lived in Washington, D.C., for almost a year in my last assignment, and the people there would all ask about and praise our agency. We make darn good money, which this union has fought hard for over the years. We also have great, state-of-the-art equipment; just ask some agencies about the poor condition of their vehicle fleets.

In closing, I would just say that whether you are part of the administration, a civilian employee or a commissioned officer, do not forget where you came from on "the Department" and do not forget that we are all part of the same team with hopefully the same common goal, which is to keep our community safe. Remember that regardless of your position with this agency, we are all "the Department," and when a citizen calls for help, they don't care whether an administrator, a director, a detective, a police officer, a LEST, etc. shows up; they just want "the Department" to help. So if you are the administrator who is unwilling to stand up and back your troops, or you are the police officer who treats members of the public like second-class citizens and thinks "the Department" can't function without you, here is my advice: If you aren't doing the simple, most basic task of our agency — to help when called upon — then it might be time for you to move on to that thing you want to do, because you are not part of who we are ... you are not "the Department." VB



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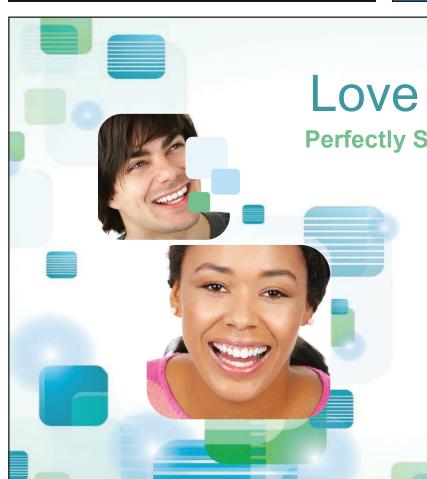
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THANK YOU LETTERS

Hello Mark & Mike:

Thank you for speaking to our club. The information you provided is key to the interest of our members. We appreciate the structure and protection you offer with services you provide our first responders. Please join us again for breakfast. Thank you!

Pat Landaker, Las Vegas Rotary Club

Good morning David.

My thanks to you and other legal minds that force our employer to behave. It is no small irony to me that the single most powerful law enforcement agency in the state must be made to act in a lawful manner. They misbehave regularly and will only act in a legal manner when compelled. I cannot imagine the level of hypocrisy one must possess to operate in such a way. This, my friend, is what they call "leadership" - how sad.

Thank you again and a very happy holiday to you and yours.

EDITORIAL POLICY

- 1. Opinions expressed in LVPPA Vegas Beat are not necessarily those of the Las Vegas Police Protective Association.
- 2. No responsibility is assumed for unsolicited material.
- 3. Letters or articles submitted shall be limited to 500 words and must be accompanied by writer's name but may be reprinted without name or address at writer's request.
- 4. Freedom of expression is recognized within the bounds of good taste and limits of available space.
- 5. The Board of Directors reserves the right to edit submissions and/or include Editor's Notes to any submitted material.
- 6. The deadline for submissions to LVPPA Vegas Beat is approximately 30 days prior to the issue date.





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