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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 nearly 220,000 police officer members in 4,000 police associations nationwide.

"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

DETECTIVE CHRIS COLLINS, EXECUTIVE DIRECTOR

The First 18 Months

For the past 18 months, I have had the privilege of serving as the Executive Director of the LVPPA. During this time, many issues have come up and some of them have forced the LVPPA to take a stand on one side or the other of the issue. We, as a Board, know that we cannot make everyone happy with every decision we make, but rest assured that we always try to do what is best for the majority of our membership. Even something as simple as the *Vegas Beat* magazine has caused its share of controversy. As I previously stated, there is no doubt that the decisions made here at the LVPPA have made some of you unhappy, and for that I am truly sorry. I trust all of you know in your heart that when the tough decisions are made here at the LVPPA it is done with no malice and with input from as many of you as possible. There does come a point when a decision has to be made and that is why I am writing this article.

As the elected Executive Director of the LVPPA, I accept full responsibility for everything that is done here at the LVPPA. If there is something the LVPPA, the Executive Board, the Board of Directors, or our staff has done that upsets you, please call me directly and not any of them. I can assure you that whatever it was that upset you, it was done with my knowledge and approval. Even the articles in the *Vegas Beat* magazine go over my desk whether they were written by a member of the Executive Board, Board of Directors, or a member-at-large. So, no matter who you are—a member, a non-member, or someone from our staff, call me if the LVPPA has done something to upset you. I take full responsibility for all the actions of the LVPPA. To coin an old phrase, "THE BUCK STOPS HERE." Do not take this wrong. The people who make up the LVPPA Executive Board, Board of Directors, and our staff are all hard-working, intelligent people. If you have received help from one of these people, then that has been of benefit to you and I cannot accept the responsibility for any of that. I, like you, benefit every day from the hard work and professionalism of these people. I would ask you to reach out to them and thank them for their help. I could not make that request of you if I did not do it myself. I do not do it enough, but I would like to take this opportunity to publicly thank them and tell you a little bit about the people I have mentioned.

The Office Staff

Lara Pavlowski and Roy Hoernke. As in any office setting, if you want to

know what is going on at the LVPPA, you must talk to one of them. Their job changes every day and many times during the day. They get numerous requests from the Executive Board and the membership. They keep the Executive Board on time and at the right places. They come to work every day with a smile on their faces and keep the LVPPA running smoothly.

The Legal Staff

Your legal staff consists of two attorneys—John Harper and Kathy Collins—and legal assistant Marge Adymy. These three people make up what is, in my mind, unquestionably the best labor law office in the state of Nevada. Despite astronomical odds, they fight the Department on the legal battlefield. The Department has an unlimited amount of time and resources to use in the attempt to prove their case against one of our members. Even with all that against them, they manage to win way more cases than they don't win. Many an officer has gotten a reduction in discipline or even gotten his/her job back because of the efforts of these three people.

The Executive Board

David Kallas, Tom Reid, Michelle Jotz, Mark Chaparian, Ken Lochner and Fred Galey make up the Executive Board. In my 25 years at Metro, I have been very fortunate to have worked with many wonderful people. I say it here and now that I have never had the opportunity to work with a better group of people. Their shift changes every day and they work long hours for which they receive no overtime, all to protect your rights.

The Board of Directors

Kevin Barker, Kendall Bell, Ray Berni, Jon Brown, Fred Castle, Darryl Clodt, Chris Crawford, Harry Demetres, Jim Dwyer, Michael Fortunato, Myron Hamm, Henry Hoffman, Darryl Johnson, Robert Johnson, Joe Lepore, Kyle Lopez, Carl Lutjens, Michael Malone, George Martin, Alisha Martino, Hector Navarro, Scott Nicholas, Sal Parascando, Jim Pendleton, Doug Perns, Michael Reinartz, Noel Roberts, David Schofield, Ed Shoemaker, Don Tremel and James Wellcome are the people you have elected to represent you at the LVPPA. These people volunteer their time, energy and efforts to protect your rights. The LVPPA could not operate without them. I have nothing but respect for each of them. I am very proud to be associated with them and to call them friends.

I owe a great thanks to each person mentioned in this article and; for that matter, all law enforcement officers in the state of Nevada should thank these people for protecting their rights. We may not always agree 100% on everything we do, which I think is good because it brings forth some spirited debates. After the debate where everyone has had a chance to express their concerns, a vote is taken. After the vote is taken, one group will have the majority and it is their plan that will be implemented. Just as with family, when we all leave the boardroom we stand as one. This is important. We cannot let anyone divide and conquer the LVPPA.

Any successes I have had, or the LVPPA has had in the past 18 months, are without question a direct result of the people mentioned in this article. I hope each and every one of them know I appreciate them, respect them, and, most importantly, consider them my friends.

It goes unsaid far too much, but let this letter stand as a public acknowledgment of my thanks for a **job well done**.

As always, fight the good fight and stay safe. **VB**

UPCOMING CONTRACT NEGOTIATIONS

The PPA is preparing for upcoming contract negotiations for the Collective Bargaining Agreement (CBA). Our current CBA expires June 30, 2009, so you will be receiving surveys in the next few months in order to help us determine your desires for the next CBA. Please start thinking about what you would like to see in the next contract. If it isn't listed in a survey, it won't be an item that is open for discussion ... The squeaky wheel will get the grease!



Early Identification and Intervention Program

DETECTIVE MICHELLE JOTZ
Assistant Executive Director

What it IS NOT ... A disciplinary process.

What is the Early Identification and Intervention Program (EIIP)? I've heard the rumors already. People are talking about the Department's new Early Warning System (EWS). Let me tell you, that system was a complete failure and the Department clearly realized it. It seemed that the EWS was designed to protect the Department and we ended up losing long-time members of this Department without even realizing what truly happened. The EWS is now a thing of the past and there is a new acronym in town.

The EIIP is geared to help the member. By member, I mean Department member—whether civilian or commission, whether rank and file or supervisor. Picture this: A 15-year officer with an exemplary record of service who can't even tell you where the Office of Internal Affairs is located now gets a couple of small IAB complaints at first. These are followed up within a relatively short period of time by some larger IAB complaints and now he can't get along with the people he works with. Under the old EWS, the Department handled the disciplinary problem and it was business as usual. The EIIP is designed to help identify that this employee may have some underlying issues that might be corrected through training, counseling, coaching or things of the like. The goal is to try to save a valuable member of the Department rather than to look at employees as disposable items.

Here is a little history on the creation of the current system. Once the Department determined that a new process needed to be created, they hired EIIP Coordinator Melissa Pugh. She works under the direction of Lieutenant Cindy Gifford at Internal Affairs. The IA part may make the hair on the back of your neck stand up (as it did mine at first), but hear me out. The first order of business, and Melissa's first day on the job, was to take a trip to the Phoenix Police Department to check out the system they had already had in place for five years. During the trip, we met with the program facilitators to learn the pros and cons that they had seen and then took the opportunity to meet with the PPA's long-time friend Jake Jacobsen. Jake was, at the time, the President of the Phoenix Law Enforcement Association (PLEA). He had been the President of PLEA, their union, during the creation of their version of the program. Jake was very honest about the fact that the PPA, PPACE, and PMSA needed to be involved with every aspect of the creation of the EIIP in order for it to be successful. He warned Cindy and Melissa that without the Associations' buy-in, the program would be a complete failure.

They took that to heart and started the EIIP Committee where a total of 24 people from officers to lieutenants and from senior LESTs to analysts gave their honest input on every aspect of the program. We discussed the fact that this is completely a voluntary process and that it is a non-disciplinary tool.

We also discussed resource ideas, which range from counseling options to training; and intervention choices, such as temporary or permanent reassignment or mediation. We were even involved in the drafting of the policy. A determination was made that there would be no record of participation in the program placed in your personnel file, but there is a record in "Blue Team." Employees will have access to their own records and will have something called a "dashboard." The program was given a racing theme, so the dashboard has different colored flags that are the same colors as a traffic light. A green light signifies that there are no identified issues. A yellow light signifies that the employee is one incident away from reaching an identified threshold. A red light signifies that the employee has reached or surpassed an identified threshold. Red is the only flag which requires an intervention by the supervisor. Your supervisor will also have access to your dashboard. Along with this, you

will need access to e-mail. I have been told that all commissioned personnel will have e-mail within the next three months and this program should go live on June 16, so it should be live by the time you are reading this.

Thresholds were a difficult concept for the committee to work on and perhaps the most controversial subject we discussed. Ultimately, it was determined that thresholds change. Thresholds are, for example, the number of "Sustained Complaints" someone receives in a rolling 12-month period. In this category, the threshold is based on the top 5% of officers who receive sustained complaints in a rolling 12-month period. We knew that we would have to reevaluate these thresholds annually as the numbers change.

While in Arizona, we were provided with an example of an officer's situation that gave an idea of what the program was designed to do. There was an officer, similar to the one I described above, who had never had so much as a blemish on his record. One day, he gets a discourtesy beef for screaming, at length, at a woman about her child not being in a car seat. He also gets several other discourtesy beefs relating to traffic stops. The supervisor reviews the officer's EIIP dashboard to see that the officer had responded to a fatal accident a week earlier. On that scene, the officer was not handling the wreck itself but was assigned to the scene. The supervisor further investigated to find out that the fatal wreck involved an infant who wasn't in a car seat. The infant was ejected and the officer stood over that infant at the scene. This doesn't make the discourtesy beef acceptable, but it does explain the underlying issue. That is the entire point of the EIIP. The supervisor was able to call the woman and explain why the officer reacted the way he did, so she fully understood his response to her vehicle stop. In the end, the officer was provided some much needed counseling. The hope is that this EIIP will salvage our members' careers also.

If you have questions about the program, please don't hesitate to contact me directly at mjotz@lvppa.com or (702) 384-8692 ext. 220. **VB**





Deferred Compensation Emergency Withdrawal: Easy Money or Financial Roulette?

CORRECTIONS OFFICER THOMAS REID
Assistant Executive Director

Over the past year, the Las Vegas Metro Deferred Compensation Committee has received several requests for full or partial withdrawal of Metro employees' deferred compensation funds. The Deferred Compensation Committee receives these applications and is then tasked with looking at the request and applying the federal codes that allow for the emergency withdrawal of funds from participant plans. The LVMPD employees' participation rate in deferred comp at the end of 2007 was about 80%. The collective total of assets that Metro employees have under Hartford's management is \$175,452,064. With that said, I thought it would be useful to understand the process of requesting emergency withdrawals of your deferred comp funds.

Before you begin the application process to request an emergency hardship of withdrawal of funds from your deferred comp plan, you will need to consider the following information:

Metro's deferred comp plan is regulated by the Internal Revenue Service (IRS). Since Metro is a governmental agency, our plan falls under section 457 of the IRS Code. The rules for a 457 plan differ from private company plans like a 401(k) or a 403(b). The limitations on hardship emergency withdrawals in a 457 plan are very strict, especially when compared to other types of deferred income arrangements. The IRS defines a 457 plan as an unfunded, non-qualified deferred compensation plan in that the employer (Metro) holds the assets of the plan in trust (in this case by The Hartford) until the employee is entitled to a distribution of his or her assets as a result of retirement, termination, death, reaching age 70.5 (mandatory distribution) or a hardship.

The IRS states that a hardship is an event that is an unforeseeable emergency or "financial hardship" where such an event is beyond the control of the participant. The benefits to be paid, if approved, shall be limited strictly to that amount necessary to meet the emergency. Examples are: Illness, accident, disability of the participant or dependent, major property loss due to casualty or natural disaster above what homeowner's insurance would pay or any other type of unexpected and unreimbursed personal expense of a major nature that would not normally be budgeted.

Not considered "financial hardship" are unforeseeable personal expenses

normally budgeted, such as: Down payment of a home, purchase or repair of an automobile, college or other education expense, normal monthly bills, payment of loans, payment for divorce settlements or child support, and the list goes on.

The IRS code regarding hardship withdrawals is complex and there are dire consequences for Metro not adhering to the regulations. The IRS can audit Metro to see if we fully adhere to the requirements. **If the plan is not adhered to, the pre-tax benefits of deferred comp can be denied to ALL participants of the plan.** For this reason, LVMPD established a committee which is responsible for evaluating withdrawal requests and deciding if they comply with Internal Revenue Code. This Deferred Compensation Committee is composed of representatives of the Police Protective Association (PPA), Police Protective Association Civil Employees (PPACE), Police Managers and Supervisors Association (PMSA), and Metro's Chief Financial Officer. The Committee must consider the protection of all participants' interests in its deliberations.

The decision to request an emergency withdrawal of your funds should not be taken lightly. In addition to the restrictions by the IRS, supporting documents are needed to establish your request. These documents include Metro payroll stubs, IRS tax returns, medical bills (amounts not covered by insurance), doctor's statement verifying disability, bank documentation that you are in foreclosure proceeding on your primary residence and other supporting documents as needed.

Another consideration you need to take into account is that if you are approved for a withdrawal of funds from your deferred comp, then the amount given will be taxed as income because this money was taken out of your paycheck on a pre-tax basis. As an illustration, Officer Doe is approved for an emergency withdrawal of his funds for \$20,000. He has a yearly income of \$80,000. He will have to declare income of \$100,000 for the tax year. This extra income might jump you into a higher taxable income bracket.

With today's economy, it is tempting to get some short-term relief by taking money that you had planned for your retirement. It is advisable to seek a tax advisor before you make the decision to tap into your deferred compensation funds.

If you have any questions, please don't hesitate to contact me directly at treid@lvppa.com or at the PPA office at (702) 384-8692 ext. 219. **VB**

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Two-Officer Patrol Cars

OFFICER MARK CHAPARIAN

Secretary

You usually don't think of saving money and increasing officer safety at the same time. I believe there is a way to actually do both successfully. Have you ever wondered why our patrol cars are staffed with one officer instead of two? With the exception of field training units and some special details, our patrol guys and gals are pretty much alone in the patrol cars. Many years ago, the old "William Area" cars were required to have two officers per car. This was an unwritten practice that was done away with for perception reasons. Having worked in an environment where two officers were in one car, I can tell you the benefits are tremendous.

Domestic disputes, fights, robberies, active burglaries, 911 hang-ups, suspicious situations, fraud, forgery, and the like are all calls where two officers are required to conduct a safe and thorough police investigation. We are all trained to deal with these calls as a two-person team. The way the system is in place as of today, two separate police cars with individual officers must respond. Either one of these officers may arrive earlier than the other—and they often do. This causes the first officer to arrive and start handling a two-officer call alone, or wait until the other officer arrives and hope not to be noticed. A two-officer car would resolve that issue. The ability to deploy the low-lethal

shotgun would increase due to the policy requiring one officer on lethal gun while the second uses the less-than-lethal version. Even car stops and report calls would benefit from the speed of the report or car stop and certainly the officer safety factor would increase.

At the time I am writing this article, the cost of purchasing gasoline is rapidly approaching the \$4.00/gallon mark. By combining our patrol officers in one car instead of two, you obviously save half of the expense of the fuel alone. When you take into consideration the cost of the car itself, the maintenance and the liability of self insurance, the size of the savings is astronomical! The possibility of assigning every officer to a share car would be attainable because only half of the cars would be necessary to deploy the same number of officers we have now.

It's amazing to think you can save money and increase safety with one simple idea. With all the moaning and groaning about the economy and the shortage of funds, one would think this idea would already be in place or at least embraced. I'm not sure why we don't already have two-officer cars. I have been told several different reasons why we don't throughout the years and none of them make any sense to me. I do know one thing for sure because I have worked in a two-officer car many times: Officer safety and productivity go up and cost expenditures go down. How can you beat that? **VB**



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New Building/Financial Stability

CORRECTIONS OFFICER KENNETH LOCHNER

Treasurer

When we started the adventure of constructing our new building over two years ago, we had a lot of bumps in the road before we got to the end at 9330 W. Lake Mead. Now that the building has been completed and the LVPPA has moved in—but has not yet quite settled in—let me tell you about our money situation. The total cost of the building and appraised value was \$6,537,000. This building is not a palace, but is a very nice business building for our Association to take into the future. We will have a Grand Opening sometime in September for everyone to come check us out.

As for the building loan, we chose to go through Clark County Credit Union and took a loan for a total of \$3.5 million for a term of 15 years. The way this works is that it's fixed for 7.5 years at 6% (percentage rate works against the five-year Treasury Index plus 2.500%). Then, it is reset again for the next 7.5 years by the index or we can choose to refinance the loan if we don't like the rate. The entire Board of Directors chose to finance the building with CCCU because they pay dividends. If you already bank there, you are familiar with

this benefit. So, when the dividend is paid in January, the Board voted to make a decision at that time to put the money toward paying off the loan on the building. The dividends on the loan and our deposits could be five to six figures. As for our monthly payment that we pay, including taxes and everything (give or take a little—the taxes have not been figured to the penny by the County), that comes to \$24,800 per month. With the amount of space we leased out, we bring in roughly \$14,800 per month.

After doing all of this, it still left us with \$1.9 million on hand and another \$2.2 million in investments and we have \$3 million equity in the members' new building. These numbers did not include any growth for the current year. The building is a great investment and we are no longer pouring our money down the drain on a lease.


If you have any questions on this or anything else concerning the financial situation of the LVPPA, please call me or come by and I will answer your questions, or we can look them up together. I can be reached at klochner@lvppa.com or at (702) 384-8692 ext. 221. **VB**

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The Truth About “Holiday Pay” and ... Is “Call Back Pay” A Thing of the Past?

DETECTIVE DAVID F. KALLAS
Director of Governmental Affairs

Some of you may not know, but between June 2006 and December 2006 the Public Employees Retirement System of Nevada (PERS) conducted a routine audit of the Las Vegas Metropolitan Police Department (LVMPD). The PERS audit discovered that the LVMPD had been inaccurately making contributions for “Holiday Pay” inconsistent with PERS policy. For as many years as I have been here (since 1979) officers have always been told that, in order to increase the value of our retirements, we should elect to take our contractual holidays in the form of pay the last three years of our careers. For years leading up to June of 2006, officers did just that and had the value of their retirements increased by the value of the additional 11 days.

What LVMPD didn’t know then, but now does, is that PERS only accepts contributions for holidays that are part of an officer’s regularly scheduled work week. As an example, if your RDO is SSM and Monday is President’s Day, PERS does not accept contributions for retirement purposes for that day. If your RDO is FSS and you are off the Friday after Thanksgiving, then PERS does not accept contributions for that Friday. If you are off FSS and take Thanksgiving day off “In Lieu of Holiday,” then PERS **does** accept contributions for that holiday because it is part of your regularly scheduled workweek. With that in mind, if you are thinking about retirement, do not consider taking the option of receiving compensation for your holidays if you believe it will increase the value of your retirement. It won’t!

As we move forward, I am sure that the LVMPD will be providing updated information to those of us who may be considering retirement. PERS has also begun looking at revisions to their policies that define what is considered “Call Back Pay.” As you may know, the basic definition of “Call Back Pay” is compensation earned for returning to work after an officer (or any member of PERS) has completed his/her regular shift, is off duty for any period of time, and is requested to return to work with less than 12 hours notice. Because of concerns about what PERS sees as “spiking” (retirement benefits acquired but not truly paid for by members), new language has been proposed in open meetings at the April and May PERS meetings:

Call-Back Pay

a. Except as it may conflict with the Nevada Administrative Code at 284.214, call-back pay is defined as compensation earned for returning to duty after a member has completed his regular shift, is off duty for any period of time, and is requested to return to duty with less than 12 hours notice.

b. Scheduling the 12-hour rule set forth in subsection (a) will be activated by the electronic call-out required for the shift scheduling from the public employer. Any electronic response system must comply with the 12-hour rule and not allow the employee call-in response to govern notification for purposes of the 12-hour rule.

c. An employer may not convert what would otherwise be an overtime shift to a call-back shift by waiting until there is less than 12-hours notice to request a return to duty, if the employer has knowledge more than 12-hours before the start of the shift to be staffed, either through notification or through normal staffing policies, of the staffing need.

d. This policy applies to all members with an effective date of membership on or before June 30, 2008.

Call-Back Pay

a. Except as it may conflict with the Nevada Administrative Code at 284.214, call-back pay is defined as compensation earned for returning to duty after a member has completed his regular shift, is off duty for any period of time, and is requested to return to duty with less than 12 hours notice to respond to an emergency, except for any member who is (1) called into work while on standby status, (2) not required to leave the premises where he is residing or located at the time of notification in order to respond, or (3) called back to work if the work begins one hour or less before or after his scheduled work shift.

b. For the purpose of this Policy 1.10, “emergency” means a sudden, unexpected occurrence that involves clear and imminent danger and requires immediate action to prevent or mitigate loss of life or damage to health, property or essential public services.

c. Scheduling the 12-hour rule set forth in subsection (a) will be activated by the electronic call-out required for the shift scheduling from the public employer. Any electronic response system must comply with the 12-hour

rule and not allow the employee call-in response to govern notification for purposes of the 12-hour rule.

d. An employer may not convert what would otherwise be an overtime shift to a call-back shift by waiting until there is less than 12-hours notice to request a return to duty, if the employer has knowledge more than 12-hours before the start of the shift to be staffed, either through notification or through normal staffing policies, of the staffing need.

e. This policy applies to all members with an effective date of membership on or after July 1, 2008.

As you can see, it does not affect current officers, but will affect our new hires. The definition of **emergency** is the biggest concern voiced at the two open meetings. At the May meeting, it was decided to have representatives from the PERS Board, PERS staff, and police and fire members get together to work on language that would resolve the long-term concerns without negatively impacting legitimate utilization of Call Back Pay. **VB**

“...if you are thinking about retirement, do not consider taking the option of receiving compensation for your holidays if you believe it will increase the value of your retirement. It won’t!”

INSIGHT

All change in history, all advance, comes from the nonconformists. If there had been no troublemakers, no dissenters, we should still be living in caves.

—A.J.P.Taylor



JOHN DEAN HARPER
Chief General Counsel

Ten Years with the PPA and Counting

I think it was May 15, 1998, when I started with the PPA. When I started, the former lead counsel had been asked to leave and the second counsel moved into lead counsel. I had previously done some law enforcement representation in Ohio, but its peace officers do not have anything similar to NRS 289 (Rights of Peace Officers). My first few weeks were eye-openers.

The fun started immediately and has never really ended. Within three months, the lead counsel had resigned and I found out that the legal office was in disarray. I inherited one Federal District Court case brought by the coin thief in the “Fremont Three Caper,” two District Court cases in which the PPA was being sued for violating its duty of fair representation, and at least 10 civil service matters or arbitrations. The problem was that **nothing** had been done. No discovery, no depositions, nothing! I inherited a paralegal who really was not, and a secretary with no legal training.

At this point, I had two options. One was to go back to Ohio and the other was to find another attorney to help get us out of the mess. Fortuitously, I was able to coax my good friend and former classmate, Kathy Werner Collins, to come aboard in September 1998. Now, I do not remember exactly what I told her about the job, but I seem to remember using the words “cake” and “country club” to sell her on the deal. I am sure that she soon realized that I was using what we call in the legal world “puffing,” but it did not scare her as she is still here today.

In any event, Kathy came on board and we went through the cases, divided them up and went at it. I told Kathy it was my goal to catch up, maintain, and then one day become proactive. I seem to remember us working like dogs for the first year or so until the first crisis hit. At that time we were in the old building on Burnham (the one that leaked like a sieve whenever it rained, but had a bar attached) and I think the story broke in the RJ in the morning that Mayor Goodman and Councilman Mike McDonald desired to pull the City out of the Metropolitan Police Department. Sometime that week, the term “Deconsolidation” was born.

It seems that the City of Las Vegas felt it was not getting the proper bang for its buck. It had hired the former Mesquite Chief of Police and he would run its police department. The morning I heard the news, the then PPA Executive Director was out of town and the Assistant Executive Director seemed to have the “gauge” on what was happening. He told me that the City already had picked out its police cars and colors. It was going to conduct a door-to-door campaign and introduce the police officers to the citizens. I remember telling him to wait until the Executive Director came back to town.

Immediately, we were in crisis mode. There existed a number of unanswered questions. How would the force be divided?

What would happen to seniority? What would the wages and benefits be? The Executive Board huddled with its political consultants and worked closely with the Las Vegas Police Protective Association Civilian Employees, Inc. (PPACE). The then Executive Director boldly told the press that the PPA would put up \$1 million to fight deconsolidation. The AFL-CIO assisted and a full court press was put on the City Council. Ultimately, the City saw that decimating one of the best police departments in the United States was not a good idea. Now, I could have some peace and work on being proactive. Wrong again.

The next crisis was decertification. This crisis did not emanate out of thin air—I could feel it coming. A number of factors led to the crisis, but I feel the health insurance was the catalyst. When I came on, the PPA administered the bargaining unit’s health plan. I really had very little exposure to it, but I could see that pressure was building up and that there was going to be a crack somewhere. There was a long period when the Health Trust was not paying claims and members were being taken to collections. Some Board members were concerned about the costs being paid to administer the plan and whether the Board had approved the same. Disgruntled members started their own union, Las Vegas Law Enforcement Association (LVLEA) and began gathering signatures to decertify the PPA.

Chaos reigned. We had membership meetings with hundreds of members showing up. We had Board meetings where I personally felt threatened. I do not know how we avoided fist fights. At one Board meeting, the then Executive Director was voted out of office. The next day, in what was one of the most surreal days of my entire life, the then Assistant Executive Director held a meeting as Executive Director and told the staff his vision for the future. Next, the Board held an emergency meeting and a Board member who had voted the former Executive Director out, asked for a re-vote and the Executive Director was reinstated. Then, the Assistant Executive Director was voted out.

The battle then shifted to the Employee Management Relations Board (EMRB) in what would ultimately end up being a bargaining unit vote for either the PPA or LVLEA. Meanwhile, back at the PPA, members dropped by the droves and the Board realized that its chances of winning the vote were enhanced with new leadership. Therefore, the newly reinstated Executive Director retired and Dave Kallas was appointed Executive Director.

The events that unfolded next are what I consider the PPA’s finest hour. Dave Kallas stepped in with a clean slate and a plan. In coordination with our political consultants, the Executive Board put a plan in action to win via the legal process and to win the vote. I can remember many days working past midnight on the legal case or some type of flyer. One issue that I think made a huge difference in victory or defeat was a motion filed by the

(continued on page 11)

LVLEA to stay the PPA's ability to negotiate the collective bargaining agreement before the vote to decertify was held.

At the motion hearing, in what I consider Kathy and my finest moment, we were able to persuade the Employee Management Relations Board to allow negotiations to continue. I will never forget pounding my palm on the table and pointing my finger at members of the EMRB, telling them that they had no legal right to stay the negotiations. Subsequently, the EMRB did not stay the negotiations and a new bargaining agreement was agreed to between the PPA and the Department. Later, in a close vote, the PPA beat back the decertification attempt and was able to remain as the bargaining agent for the members working for the LVMPD.

Our membership had dropped to about 1,050, but Dave Kallas and the Executive Board opened up the process by creating new Board positions to bring in a broader base of representation and making sure that all transactions were transparent. In one of many ironic situations, former non-member and LVLEA supporter, Chris Collins, joined the Board and eventually became Executive Director.

Despite the above crises, the Legal Department has been able to be proactive. When Kathy and I started, the Department conducted arbitration by ambush. Among other things, the Department would dump documents on us the day of the arbitration, witnesses would be intimidated into not testifying, transcripts would leave out key testimony or mysteriously change a "yes" to a "no." The Legal Department assisted in a number of changes that enhanced or protected our members' rights. Among other things, we were instrumental in causing the Department to either change its policy or agree via the collective bargaining agreement to provide timely discovery, stop the Department from withholding "bad" or exculpatory evidence prior to an IA interview, and to enact fairer discipline via the Matrix.

At the legislature, along with our lobbyists, we drafted and testified on behalf of legislation that benefited and expanded peace officers' rights. Some of the important legislation we were involved in changed the polygraph to voluntary; added a law that makes it a crime to make a false complaint against

a peace officer; made 48 hours the minimum notification time for an IA interview; and required the law enforcement agency to allow the peace officer to see his/her investigative file while contemplating a grievance and allow the discovery of the entire investigative file once a grievance is filed.

My second decade begins in a shiny new building in the suburbs. But that does not change the mission or the job. I have always said representing peace officers gives you job security. As long as the Department or City has an internal affairs division, they will feel compelled to "find" bad peace officers. There has been a trend that I have noticed in my 10 years doing this type of work. Every two or three years, those assigned to Internal Affairs for the Department or City are new to internal investigations. Some of those officers or marshals become a little gung ho and apparently believe that everyone accused is guilty until proven innocent. It is very obvious by the methods utilized, the questions asked and the disrespect of the officer being interviewed that certain investigators have agendas. The chain furthers these agendas by either not being involved or by wanting an outcome from the investigation. There have been a number of cases in which it appears that the findings of the investigation bounce up and down the chain until someone above approves of the findings to their liking.

These are the most frustrating cases because, in the extreme, an officer will be terminated and have to fight to get his or her job back. The pain and financial hardship that these officers have to endure is one of the toughest parts of this job. I do not think the administration realizes it, but these types of cases damage the morale of the force. I cannot tell you how many times I have represented an officer who was falsely accused and felt like he/she was abandoned and deemed guilty. That officer would indicate that some officers who were considered friends shied away from them for fear of retribution. Unfair investigations have untold consequences.

I wish I could foresee what the next decade holds. As to peace officers' rights, I feel that we will continue to make inroads via the Department/City

(continued on page 12)



John H. Hastings D.D.S.

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LEGAL CORNER

(continued from page 11)

and in the legislature to ensure rights are protected and even expanded. However, financially and economically I think we are going to spend the next decade fighting to protect what we have. I have heard the drum beating slowly and in the background but, as our economic situation worsens, the drum will beat faster. Those politicians who have mismanaged the federal, state, and local economies for the last 15 years of economic and productivity growth, are now going to look for scapegoats. Businesses and the conservative media will

“...financially and economically I think we are going to spend the next decade fighting to protect what we have. I have heard the drum beating slowly and in the background but, as our economic situation worsens, the drum will beat faster.”

join in and blame public employees. I foresee an attack on defined benefits (PERS) and potentially an attack on NRS 288 (Relations between Governments and Public Employees) and the binding arbitration provision that follows an impasse. In addition, I see an attack on workers' compensation benefits, in particular, the Heart and Lung Bill.

Also, I see it getting tougher as an officer to just do your job. The print and broadcast media are losing their preeminence to the Internet and other media. They will seize on any story about a peace officer and sensationalize it to sell newspapers or advertising. The evening news already resembles “A Current Affair” and, faced with dwindling revenues, it will only get worse.

It is not all doom and gloom. I see a combination of good old fashioned

police work, a willingness to try a different approach to crime, and technology making some real differences. Police are going to have to get back into the neighborhoods and interact with the public. Our society will realize that we need to get to the kids by mentoring them and teaching them skills to use for life before they decide to engage in a life of crime. Technology will become scarier and more like “Big Brother” with drones patrolling the sky and the ubiquitous use of surveillance cameras and microphones. All of this will be tied into a central network much like the military now does in Afghanistan and Iraq. New non-lethal weapons using laser and sound will help to safely debilitate suspects at a distance, and body armor will be safer and less uncomfortable.

It has been a pleasure serving this organization and working with the fine people who have also served as E-Board or Board members. I can only hope that the next decade will be as fruitful, although I do hope and believe that it will be less chaotic. **VB**

INSIGHT

My favorite animal is the turtle For the turtle to move, it has to stick its neck out.

—Dr. Ruth Westheimer



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Department employees who refer applicants that successfully make it through the LVMPD academy will receive \$500 per candidate, provided they list the referring employee's name and P# on their initial application. See PO-40-06 for additional information. **VB**



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APRIL/MAY 2008 REPRESENTATION STATISTICS

LABOR MANAGEMENT BOARDS			
All. Violation Date	Alleged Violation(s)	Original Discipline	Decision
N/A	N/A	N/A	N/A
PRE-TERMINATION HEARINGS			
All. Violation Date	Alleged Violation(s)	Original Discipline	Decision
6/14/2007	4/102.06 Giving Assistance to Suspects; 5/105.18 Dissemination of Criminal History	Termination	Resigned
7/10/2007	4/101.19 Truthfulness Required at All Times	Termination	Pending
ARBITRATIONS			
All. Violation Date	Alleged Violation(s)	Original Discipline	Decision
11/9/2006	4/102.11 Neglect of Duty, 4/101.19 Truthfulness Required at all Times	Recommended Termination	Pending
4/7/2007	CSR 510.2(G)(1) Conduct Unbecoming; LVMPD Regulation 4/101.19 Truthfulness Required at all Times	Recommended Termination	Upheld
4/7/2007	CSR 510.2(G)(1) Conduct Unbecoming; LVMPD Regulation 4/101.19 Truthfulness Required at all Times	Recommended Termination	Upheld
CITIZEN REVIEW BOARD COMPLAINTS			
Dismissed / Alt. Recommend.	Referred to IAB for Review	Concurred w/IAB Finding	Pending CRB Decision
0 / 0	0	1	3
OFFICER INVOLVED SHOOTINGS/USE OF DEADLY FORCE INCIDENTS			
DATE	Use of Force Board Decision	INQUEST DECISION	
1/17/2008	Justified	Justified	
2/6/2008	Justified	Justified	
2/11/2008	Justified	Justified	
3/14/2008	Justified	N/A	
3/16/2008	Justified	Justified	
3/20/2008	Justified	N/A	
4/2/2008	Justified	N/A	
INTERNAL AFFAIRS SECTION AND BUREAU LEVEL INTERVIEWS			
Declined/Cancelled	Represented	Total	
48	125	173	
ACCIDENT REVIEW BOARD			
Excusable	Non-Negligent	Negligent	Rescheduled
1	2	39	0

Car Enthusiasts

CORRECTIONS OFFICER KENNETH LOCHNER
Treasurer

When I went to the I.P.O.F. Car Show, my daughter Tatum had to go with me to take pictures because, like me, she loves old cars and trucks. While we were there, I ended up taking some pictures of cars belonging to some LEOs. One of those LEO owners happens to be Officer Jorge Rangel and his wife. They own a 1953 blue Chevrolet. This was purchased from his dad for only \$1,000. When he got the car, it was a family tradition and a hobby to restore cars. He was the second owner of the car and it now has 78,000 miles on it. The job of restoring it was time-consuming seeing as how it was a project that took approximately three years to complete. Financially, Jorge said it involved around \$11,000. Set aside the price of a new car and you have a vintage ride. Jorge enjoyed the car show, said that the turn-out was very good—a lot more than he



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expected. There was a lot of law enforcement involvement, but hopefully there will be more vendors in the future. When asked what he thought of the other law enforcement agencies in town, he said, "It's nice to know that after you get involved with them outside of work (socially) then it's a bonus when you find out that they are with law enforcement. They are all good."

The other couple I ran into were Officers Art and Theresa Garza. They have a 1951 gray Chevrolet Deluxe. They got the car because of the body style. They both enjoy this because you get to keep the "old cars" on the road. It also allows families to enjoy some time together. It has taken approximately five years and \$9,000 to get the car where it is today. Art said that it still has 20% and about another \$2,000 until it is at full restoration.

Both the Rangels and the Garzas are members of car clubs. The club's name is "Sin City Jokers" and it is for vintage car owners. The reason Art said he and Theresa joined a car club was for the camaraderie, family and the other car owners. Art thought that the show was a good turnout and a strong event. He was glad that the I.P.O.F. was putting on events like this to benefit officers. When asked what he thought of the other law enforcement agencies in town, Art said that they work well together sharing information, but that there could be some improvement.

For those who don't know these officers, Jorge is a Corrections Officer with



Metro, Art is an Officer with the School Police, and Theresa is a Detective with Metro. I want to thank the officers mentioned in this article for their participation and for the job that they do every day. **All—stay safe. VB**



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The Importance of Financial Planning in an Uncertain Economy

Two-part series

Part 1: Get Off the Roller Coaster and Get a Financial Plan

You may find yourself unsettled by the ups-and-downs of the market. It is difficult to make educated decisions on what you should do with your money. From television to next door neighbors to Internet chat rooms, everyone seems to have an opinion, but how can you be sure you are getting the right advice? What can you do to ensure you make the right choices? A well thought out financial plan may be the answer.

A financial plan can help you negotiate the twists and turns of the market because your investment strategy is based on your own situation and goals—not what the market is doing at the moment.

A financial plan is simply a guide to help you determine where you are financially, where you want to be and how to get there. Many people resist creating a financial plan because it seems like too much trouble—until they find themselves in financial difficulty. If you've been seeing the value of your investments seesaw, now may be the time to consider the benefits of putting a solid financial plan together.

You can create the plan yourself or seek a qualified financial professional who has the knowledge and experience to help guide your key decisions. A good financial plan will address more than your investments—it will look at all the pieces of your financial picture, including investment objectives, risk-tolerance, budgeting, saving, credit, taxes, insurance, retirement planning, estate strategies and more.

Since it's the investment portion of your financial picture that we are most concerned with here, let's look at some of the related questions your financial professional will ask:

- What are your investment goals? Are you saving for a long-term goal, like retirement or a child's education? Or are you looking forward to fulfilling some more immediate dream, like starting your own business or paying for a daughter's wedding?

- How much money do you have available to invest?

- How long will you keep the money invested? Can you add to your investments on a regular basis? Do you need the income from your investments for living expenses? Do you have enough cash readily available in the event

of an emergency?

- How much can you afford to put at risk? In other words, what is your risk tolerance level? Partly, this is a question about your psychology of investing. But it's also a question that concerns your age, your current income, your potential income and your total assets.

The answers to these and other important questions are the starting points for the investment portion of your plan. The next step is to outline the types of investments that are appropriate for you (diversification) and how much of each to invest in (asset allocation). Specifically, you need to decide how much to put in liquid investments, like money market funds*; how much in dividend paying investments, like bonds; and how much to put in stocks, and what kind of stocks.

Wise investors know that a diversified stock portfolio helps cushion against the ups and downs of the market. There are many different groupings of stocks—by industry, by market cap size (large, medium and small), by investment style (growth, value and blended), by country (U.S., international) and so forth.

Each of these different types of investments performs in different ways. Often some segments of the investment universe will be rising, while others will be falling. Deciding on an appropriate asset mix for your particular situation can be the most important investment decision you make.

Whether you choose to create your own financial plan or seek out the help of a professional, having a plan in place can help ensure that your investment decisions are the right ones for you. Markets go up and markets go down, but good planning can help you take control of your finances.

This material is not intended as tax or legal advice. You should consult with your personal financial, tax or legal advisor regarding your specific situation before implementing any estate or business strategy.

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Jason A. Souza, Vice President Western Division AXA Advisors, offers securities and investment advisory services through AXA Advisors, LLC (member FINRA, SIPC). (Exp. 10/09) **VB**

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May I Have Some Salt with My Officer?

OFFICER STEVE MORRIS, JR.

The Veteran Patrol Officer

When I began my law enforcement career with the Nevada Highway Patrol in April of 1993, I saw my first Field Training Officer, Trooper R. Honea, as a competent and effective hero of sorts. When we arrived on a major incident, he was confident and had a command presence that made people respect him. If we had an occasion to come across a suspect who was aggressive or disrespectful, only seconds elapsed before that suspect knew who the man in charge was. When the weak or injured needed comfort, a kind, compassionate man emerged. I learned by watching him at first, then he taught me, then I applied what he had taught in the field, and finally I performed on my own with him never more than speaking distance away as he watched me closely. The Field Training Officer I speak of had seven years of very proactive street experience as a Trooper with the Nevada Highway Patrol at the time he trained me.

Four and one-half years later, in December of 1997, I began field training with the Las Vegas Metropolitan Police Department at Northeast Area Command on swing shift. I was assigned to Northeast 33 with Sergeant Yada, a seasoned patrol officer and supervisor who always demanded hard work and respect. None of the FTOs on his squad had less than seven years of street patrol time in a busy area and at night. We, the six new trainees, were routinely exposed to a high volume of calls for service, stressful situations, constant pressure to produce, and violence. The experience of the training officers was put to the test on nearly every call and I looked to mine for answers often, even with four years of prior experience. The FTOs I had constantly pushed me and held me to high standards, and I respected them all—they were aggressive and quality producers.

My FTOs made me jump every call possible and, when a senior officer got dispatched on a call, we went to it if we were not assigned and handled everything even if we were not primary. If calls pending were not stacked, the trainees on NE33 were allowed to stay clear for 10 minutes. If it went longer, an administrative message from Sergeant Yada was incoming and the FTOs were barking ... no exaggeration. The veteran officers knew and taught us that exposure was the key to being a successful patrol officer. Productivity, quality and work ethic were necessary to become confident and have command presence in any situation. My FTOs were never more than speaking distance away from me whether on a call, in the car, at jail or at the station. I can honestly say I do not remember one time when one of my FTOs was on a cell phone or playing games on a computer during our shift, even at jail. Two out of the six of us assigned to the squad graduated FTEP. I thank all of the men and women I worked with, and worked for, at Northeast for pushing me so hard, though at times I cursed them for it.

Years later, I became a Field Training Officer for Metro at NEAC on swing shift, and was proud to do so. I appreciated the effort that was put into me and wanted to give back in the same manner. I was a tough no nonsense FTO like the ones who trained me, and I had 7 ½ years of combined experience behind me, a four-year college degree, and street experience prior to law enforcement (including fights both won and lost). The money was never the reason I trained; it was about the knowledge I could pass on to others less experienced than I and to help make LVMPD the best. I did not allow my trainees to use white-out; if a mistake was made, they had to re-do the paperwork to teach them thoroughness and procedure. I did not allow trainees to use maps to get to calls; I took the time to teach sectors, beats, areas, landmarks and most

importantly, the 100 block system.

I was continually hounded by the FTEP administration for being too rigid, but I stuck to my guns and could always justify why I did what I did. Thank God I had a tough Sergeant and Lieutenant who backed me. It was during my time as an FTO that I learned that, even if our Department needs bodies, not everyone can or should be a police officer. I wholeheartedly believed that FTEP and the probationary period should be used more effectively to identify those who may be weak, lazy or incompetent, as well as officers who have bad judgment and could become a liability for the Department. Most of my trainees wrote a negative comment or two about me on critiques, but when I would run in to them years later, they would thank me and tell me how my experience and toughness helped them and they appreciated it now. After a little over a year of training, I left FTEP to become a Detective in the Gang Unit.

We need tough, knowledgeable, confident, in-shape and capable officers on the street to answer when the public calls. We need patrol officers who do not merely have time on, but instead, those who have the capabilities to use discretion and have the ability to know the “bad guys” from the good. We should not give the public we serve anything less than the **best** patrol officers. I have always said I would like to see our Department go to a five-year minimum time in patrol, meaning in a black-and-white answering calls and being proactive, for many of these reasons. The Department may answer by saying that the “average time in patrol” for each station is, in fact, five years. But this takes into account few with an excess of five or 10 years compared to many with less. So, averaging simply does not give an accurate assessment of true tenure in patrol.

Experience, standards and knowledge make us all better; a detective in any bureau having done five years in patrol will no doubt be a better detective and be more respected by his or her peers. Too many young officers are running away from patrol too soon to go on to more glamorous positions for all the wrong reasons, without first being a competent and productive patrol officer. Maybe our administration should consider some incentives for officers to remain in patrol for a longer period of time?

I would like to close by saying that we need great detectives in every bureau to clear cases; we need the best rescue guys and gals we can get to save those in need. We need confident, well-trained and well-equipped SWAT officers to handle volatile situations. We know that patrol relies heavily on capable canine handlers with the best dogs; and my absolute favorite sound to hear when I am in a foot pursuit is the whine of our MD530's with the best pilots and observers at the controls arriving above me keeping that suspect pinned down.

Men and women are all hired on with the LVMPD to be patrol officers first and we owe it to the community, the Department and ourselves to be competent and as one before we move on with our personal aspirations. We should individually and collectively push to “season” patrol once again so young officers will have someone to learn from and look up to. The Sheriff has stated time and time again that patrol is the backbone and/or the engine of our fine Department and I couldn't agree with him more.

Officer Steve Morris Jr. has been with the LVMPD for 10 years. Prior to that, he worked at Nevada Highway Patrol for more than four years. He is currently assigned to Downtown Area Command. VB

Private Property Traffic Enforcement

TRAFFIC OFFICER KEVIN C. BARKER

Traffic Representative

The purpose of this article is to clarify private property enforcement questions for officers and to determine which citations an officer may issue on private property.

Members of the Las Vegas Metropolitan Police Department (LVMPD) Traffic Section know how to write tickets and how to respond to accidents. However, since my arrival within the section, I find that sometimes there is confusion amongst its members, as well as throughout the Department, as to when to write tickets and when to respond to accidents on private property. The confusion seems to lie within two questions: **When can we write tickets on private property during a routine traffic stop** and **what types of tickets can we write for private property accidents, if any?** Many officers have questions regarding these issues; unfortunately, officers also have differences of opinion and, as I fall victim to far too often, officers think we know the answers. Let's take a look at policy and Nevada Revised Statutes (NRS) for responses to these questions. (Although of value, DUI violations will not be included in this assessment.)

The first question: **When can we write tickets on private property during routine traffic stops?** One of the easiest things to remember is that officers may issue citations for parking violations on private property. LVMPD Regulation 4/105.07 states, "Nevada Statutes, Clark County Ordinances, and Las Vegas Codes regarding parking infractions may be enforced" (LVMPD, 2008, p. 94). In other words, an officer may write a citation on private property for any parking violation.

In addition to parking infractions, officers may also write tickets for insurance violations as part of a routine traffic stop. NRS 485.187 states that a motor vehicle operator/owner shall not "operate the motor vehicle, if it is registered or required to be registered in this state, without having insurance" (p. 1068). This statute does not specifically limit in its wording this requirement to highways, so it is applicable on private property as well and may be enforced as part of a routine traffic stop.

Officers may also issue citations for displaying fictitious, canceled, revoked, suspended or altered registrations or license plates on private property. NRS 482.545 states:

It is unlawful for any person ... to display, cause or permit to be displayed or to have in possession any certificate of registration, license plate, certificate of title or other document of title knowing it to be fictitious or to have been canceled, revoked, suspended or altered (p. 900).

It is also unlawful to operate a motor vehicle on private property on a revoked, canceled, or suspended driver's license. NRS. 483.460 states:

Any person who drives a motor vehicle on a highway or on premises to which the public has access at a time when his driver's license has been cancelled, revoked or suspended is guilty of a misdemeanor (p. 938).

This statute specifically applies in its wording "to which the public has access." NRS 484.122 defines this phrase as follows:

"Premises to which the public has access" means property in private or public ownership onto which members of the public regularly enter, are reasonably likely to enter, or are invited or permitted to enter as invitees or licensees, whether or not access to the property by some members of the public is restricted or controlled by a person or a device (p. 966).

In other words, if the public has access to the private property, the operator

of a motor vehicle must not be operating the vehicle on a cancelled, revoked, or suspended license and officers may issue appropriate citations.

Be careful not to assume that officers may issue citations to subjects who do not have a license. NRS. 483.550 states, "It is unlawful for any person to drive a motor vehicle upon a public street or highway in this state without being the holder of a valid driver's license" (p. 938). This requirement of having a driver's license only applies to highways, not private property. Therefore, officers may issue citations as part of routine traffic stops on private property for parking violations; insurance violations; fictitious, suspended, revoked or altered registration violations; and cancelled, suspended or revoked driver's license offenses.

The second question: **What types of tickets can we write for private property accidents, if any?** In order to answer this question, we need to understand reporting criteria for accidents. NRS 484.229 states:

The driver of a vehicle which is in any manner involved in an accident on a highway or on premises to which the public has access, if the accident results in bodily injury to or the death of any person or total damage to any vehicle or item of property to an apparent extent of \$750 or more, shall, within 10 days after the accident, forward a written report of the accident to the department (Department of Motor Vehicles) (NRS, 2006, p. 972).

In other words, in any accident where damage to anything is more than \$750, or death or bodily injury results, a report must be filed, within 10 days after an incident, to the Department of Motor Vehicles. A report taken at a station (SR-1) or by an officer in the field (NHP 5) qualifies for this requirement.

LVMPD Policy 5/107.14 enhances this reporting requirement, listing specific criteria for response to private property accidents as follows:

A unit will be dispatched to private property accidents, including hit-and-run accidents, only if one or more of the following circumstances exist:

- 1. As a result of the crash, death, visible injuries, serious bodily injury (serious injury is unconsciousness, extreme physical pain, prolonged loss or impairment of the function of a bodily part or mental faculty), or is transported to a hospital for treatment*
- 2. The victim is a juvenile*
- 3. Major property, structure or vehicle damage*
- 4. LVMPD vehicle is involved*
- 5. Driver involved is under the influence of alcohol or drugs and is still on the scene*
- 6. Occurrence on a municipally-maintained traffic way or county maintained property city/county parking garages, Fire house driveways, or other property open to the public for travel or access and maintained by a local governmental agency*
- 7. Hazardous spills or leakages*
- 8. Disturbances between principals*

LVMPD policy supports the NRS reporting requirements, but a simple look at the reporting statute may lead to confusion. An accident on a highway is easy to understand and few questions arise from this requirement, but the phrase "... or on premises to which the public has access ..." (et.al.), is more confusing. NRS 484.122, as stated previously, defines this phrase. Now that we know about the accident reporting criteria for private property, what types of tickets can we write for private property accidents, if any? NRS 484.801 states regarding accidents that:

"... a peace officer at the scene of a traffic accident may issue a traffic citation

... to any person involved in the accident when, based upon personal investigation, the peace officer has reasonable and probable grounds to believe that the person has committed any offense pursuant to the provisions of this chapter (484-Traffic Laws) or of chapter 482 (Vehicle Licensing and Registration), 483 (Driver's Licenses), 485 (Vehicle Insurance), 486 (Motorcycles), or 706 (Commercial Vehicles) of NRS in connection with this accident (p. 1062).

This statute appears to give officers authority to issue citations on private property during the course of an accident investigation for any administrative or traffic related violations. However, NRS 484.777 states:

The provisions of this chapter (meaning NRS 484 only) are applicable and uniform throughout this state on all highways to which the public has a right of access or to which persons have access as invitees or licensees (p. 1058).

In a Nevada Supreme Court Case (*Nevada vs. Lee*) on April 6, 2000, the Supreme Court ruling declared that the "access road constructed on federal property ... was not public highway, and thus defendant who killed oncoming motorist while driving on wrong side of access road could not be convicted of felony reckless" (p. 2d 138). In other words, although NRS. 484.801 states that an officer may issue citations for traffic law offenses on private property, NRS 484.777 clarifies that violations of NRS Chapter 484 (Traffic laws) only apply to highways, per Supreme Court authority. Therefore, an officer may issue citations on private property during an accident investigation for violations consistent with those mentioned for routine traffic stops.

Essentially, private property enforcement during routine traffic stops and accidents are similar. The general rule of thumb regarding private property enforcement is:

1. DUI violations (not discussed in this article)
 2. Parking violations
 3. Insurance violations
 4. Displaying fictitious, suspended, revoked or altered registration violations
 5. Cancelled, suspended or revoked driver's license offenses
- Officers may issue citations for any of these infractions on private property, whether part of a routine traffic stop or during an accident investigation.

I thank members of the Las Vegas Metropolitan Police Department Fatal,

and Hit and Run Details for their assistance with research for this article. I extend a special thanks to Deputy District Attorney Bruce W. Nelson from the Vehicular Crimes Unit for his assistance with research and for reviewing this article for accuracy and content.

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Traffic Officer Kevin Barker is the PPA Area Representative for the Traffic Section. VB



CALENDAR

2008

July 4 Independence Day

September 1 Labor Day

**Recent Bylaw modifications have moved General Membership Meetings to 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.*

INSIGHT

Getting up in the morning and having work you love is what makes life different for people. If you get into a position where you don't love what you're doing, get off it.

—Bob Woodward

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	One Day Ticket-Child (3-11)	\$16.95	\$18.00
Legoland	One Day Ticket-Adult	\$59.00	\$41.00
	One Day Ticket-Child (3-12)	\$47.00	\$41.00
<i>(Legoland tickets may be upgraded to a Two Day Ticket at Guest Services for an additional \$1.00)</i>			
San Diego Zoo	One Day Ticket-Adult	\$34.00	\$29.00
	One Day Ticket-Child (3-11)	\$24.00	\$19.00
Sea World	Two Day Ticket-Adult	\$57.00	\$46.50
	Two Day Ticket-Child (3-9)	\$47.00	\$41.00
Universal Studios	Two Day Ticket-Adult	\$64.00	\$54.00
	Two Day Ticket-Under 48"	\$64.00	\$54.00
Wild Animal Park	One Day Ticket-Adult	\$34.00	\$29.00
	One Day Ticket-Child (3-11)	\$24.00	\$19.00

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For questions and information, please contact the LVPPA at (702) 384-8692.

The LVPPA makes no profit from the sales of Theme Park Tickets; however, our ticket costs are rounded to the nearest dollar.

End of Watch

(Note: Absent direct notification to the LVPPA, we do not otherwise know of a member's death.)

Name: Marie B. Scott, P# 2001
Rank: Corrections Officer
Assigned To: Clark County Detention Center
Hired: November 19, 1979
Retired: January 10, 1994
Died: April 18, 2008

MEMBER LETTERS

In response to Mark Chaparian's article entitled "Minimum Staffing for Patrol" from the May/June issue of the **Vegas Beat**, the following were received:

Officer Chaparian,

I wanted to say thank you on your article about minimum staffing. I live through what you are talking about every shift. Three guys handling calls for service is ridiculous no matter where you work. We are told not to go to jail unless absolutely necessary.

I am behind your efforts 100% and would love to help if there is anything I can do. I know this contract negotiation is going to be tough, but I believe this is the best time to get what you are talking about approved.

I originally wrote several paragraphs about my own past experience and became frustrated because I feel passionate about this issue ...

If you ever need any input or help, feel free to get ahold of me.

Patrol Officer (name removed at officer's request)

Mark,

I've been a member of the PPA since joining the department in 2000. Prior to that I was with NHP for three years and retired as a Master Sergeant after 21 years in the Marine Corps. I have to tell you, your article in the **Vegas Beat** was the most truthful, ballsy, and most neglected problem in the department. Your comments were right on the money. The phrase "minimum staffing" in uniformed Patrol and Traffic is a joke. I hear single officers being dispatched everyday to calls that we were told since the Academy you don't and "will never" be sent on alone—violent 417s, 416s, 413, and 415 calls. Thank you for putting that in print. Please don't give up the fight. I just can't thank you enough. I already hear rumors that the Sheriff isn't happy about the article. When you want to be the PPA Executive Director, you have my vote.

God bless you. Thanks again.

Traffic Officer (name removed at officer's request)

Great article in the **Vegas Beat**. Hopefully, we can all get on board.

Mark,

I just heard that one of the Deputy Chiefs was heated when he read your article. I wish I could have been there to understand why management is so against a real minimum staffing. I don't believe it is just the potential financial aspect. As I stated before, I support your article as do many others. I just learned we are now also tasked with sending another body away for Safe Strip. I don't have any bad experience with the department and I am really proud of our

department, but I don't understand the issue.

I know that Safe Strip is important and vital to keeping a safe environment for the tourists who help keep the City and County what it is today. What I don't understand is taking patrol with everything. We don't have the manning. Ever since the tax initiative that was supposed to put more officers on the street, I see several people going to the bureau and no increase in patrol. On top of it, we are told that since more of our manning is being tasked, we will not only be able to authorize 1 person off instead of the typical 2 and that we need to avoid calling in sick. Like we talked about earlier, officers get sick or need a break. Of course, some abuse it, like everything else, but the majority should not be punished for the department's lack of understanding the officer safety issue being brought on by less officers on the street.

I work Northeast graveyard, which is Friday night through Monday night. We are usually pretty busy. I'm not complaining because I am here by choice and I love to work. Unfortunately, many times we are going out with three George cars and three Frank cars doing calls for service. On paper, we have 11 guys. One is on medical leave and is unfortunately out for the year and it does not look like she will return to patrol ever due to her illness. One is TDY for the year for military and another has been TDY this year so far for the SAT team. Those three that are gone, plus us six that are on the squad, makes nine.

Thankfully, we do have two new bodies on loan to make 11. Actual workers makes eight once the ones on paper are removed. If we have two on vacation, we are down to six. If one calls in sick, we are down to five. We have to put out a two-man DP unit so we now have three units for calls for service. Of course, the two-man DP unit is still a unit that can assist. I think the department would say this is an easy fix. We actually had a Captain tell us that if we called in sick and/or took vacation, he could not legally prevent us from taking the time off so it would be our fault that our squad had to work short. Basically, the officer safety issue is our fault. Going with this particular Captain's view, I see the department following this school of thought and saying, "don't call in sick and don't take vacation unless you think it is going to be a slow night."

Using what I know for argument's sake, if we have nine actual officers assigned to a squad, not counting TDYs but actual bodies able to work, and two are authorized for vacation at a time, then why can't it be mandated for officer safety that we maintain this number? I'm not asking this so officers can manipulate the department and put more money in our pockets. I'm talking about officer safety.

I guess another excuse the department could use is the fact that we have other area commands we can use if we really have an emergency. That does not make sense either. Again, they try to manipulate the numbers but in reality, create a vacuum. Shifting manpower only creates potential officer safety issues elsewhere to include the area the officers are being shifted from.

Hopefully you have some answers. Thanks again for your time!

Patrol Officer (name removed at officer's request)

RETIREMENTS

03/11/2008	Craig D. Retke, P# 3986	PO II (A-2)
03/13/2008	Thomas H. Smitley, P# 2200	PO Lieutenant
03/26/2008	Regina L. Floyd, P# 3470	PO Sergeant
03/28/2008	Gerald R. Krason, P# 1576	CO Sergeant
04/02/2008	James D. Phillip, P# 2203	PO Sergeant
04/18/2008	Sheila L. Huggins, P# 3603	PO II (A-2)
04/25/2008	Anthony T. Lozich Jr., P# 1515	Assistant Sheriff
05/01/2008	Lonnie R. Cameron, P# 5729	CO II
05/01/2008	Kenneth E. Dupont, P# 1527	PO II (A-2)
05/15/2008	Patrick W. Pearn, P# 2823	PO II (A-2)
05/23/2008	Michael E. Whalum, P# 3216	CO Sergeant
05/27/2008	Nancy A. Seifker, P# 3057	PO II

Fallen Officer David Turner

Recently, Officer David Turner lost his courageous battle with cancer. The Department and LVPPA lost a terrific law enforcement professional; his family lost a husband and father. David was a client of ours here at AIG Financial Advisors and AIG American General.

Richard Hoover and staff of AIG Financial Advisors have set up a 529 College Savings plan for Casey and Cole Turner, David's children. One account for each child has been set up.

Donations are greatly appreciated by the family and can be sent using the following information:

Checks should be made payable to:

CollegeAmerica FBO Casey Turner
CollegeAmerica FBO Cole Turner

Checks should be mailed to:

Turner Children College Fund
AIG Financial Advisors-Richard Hoover
2920 S Jones Blvd Ste 110-A
Las Vegas Nevada 89146

*The Turner family thanks you, in advance,
for your kind donation.*

Richard Hoover
Investment Advisor Representative
AIG Financial Advisors
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