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

VOLUME 5 | ISSUE 4

November/December 2010

What You Need To Know

Police reviewing officer-involved shootings

TESTIMONY CONTINUES

Inquest confrontational

Inquest motions denied

Questions about the coroner's inquest

THE BIG STORY POLICE SHOOTINGS

Inquests trigger questions

Three years after process was reformed, critics see need for more changes

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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

OFFICER INVOLVED SHOOTINGS AND WHAT HAPPENS AFTERWARDS

Officer involved shootings have been happening since officers were armed with firearms. Sadly, officer involved shootings will continue to happen because a small percentage of the people we deal with simply force officers into deadly force situations. With that said, let's talk about how officer involved shooting investigations are changing right here at the LVMPD. In the not-too-distant past, when one of our officers was involved in a shooting they would voluntarily give a taped statement to the homicide detectives charged with investigating the incident. In addition, if the shooting resulted in the death of a suspect, the officer would voluntarily participate in the coroner's inquest by appearing and testifying at the inquest. When the inquest was complete, the officer would be compelled to participate in the Use of Force Board, where the homicide detectives would do a presentation outlining the facts of the shooting for the board. It was then up to the Use of Force Board members to determine if the shooting complied with Department policy and whether a recommendation for discipline was called for. If there was no discipline, the internal part of the investigation was over. As we all know, most of these shootings ultimately result in the filing of a civil lawsuit, and officers may be compelled to participate in

that process as well. From start to finish this can sometimes take years.

Now let's take a brief look at how the investigation of officer involved shootings and the coroner's inquest have changed. Understand that this is just going to be an overview of the process, as I could not hope to write about everything that might happen on every shooting. In 2006 and 2007, county management asked the PPA to be a member of a panel that was going to look at changing the coroner's inquest process. We accepted this seat so we could protect officers' rights.

The PPA made it known from the start (and in every meeting that was held) that we did not believe any changes were needed, and that we felt the process was open and fair. In the end, we agreed to two changes: first, that the hearing master would be replaced by a sitting justice of the peace (JP), and second, that the definition of "interested parties" would be changed to allow all licensed attorneys, as well a family members, to submit questions in writing. If the JP decided that questions were not appropriate and would not be read to the witnesses, those questions had to be read into the record, outside the presence of the jury.

In addition to those changes that were enacted in 2007, additional changes have recently been implemented by the LVMPD. If you are involved in a shooting, you will still be asked to voluntarily give a statement to homicide detectives, who will soon be known as the Force Investigation Team (FIT), or the Officer Involved Shooting Team (OIST). Also, out on the scene of the shooting will be the new Critical Incident Review Team (CIRT). If the shooting results in the death of the suspect you will again be asked to voluntarily participate in the coroner's inquest process. Once the inquest is over, the major differences begin. You will be contacted by CIRT and compelled to come forward and give a statement. Prior to giving the statement you will be read the *Garrity* statement, just as if you were at IAB. This means that if you fail to answer any of the questions, you can be fired from the LVMPD. CIRT will finish their investigation and present the evidence they have gathered to the Use of Force Board, where once again you will be compelled to attend, read *Garrity* and answer whatever questions you are asked, or you can be fired. At the end of the presentation CIRT will make one of several recommendations. CIRT may recommend nothing and find that the shooting was well within NRS as well as policy; they may recommend training of some kind; or they may recommend some type of discipline.

My question is, with this new P# 8810 CIRT, why even have the Use of Force Board? We all know that the citizens on the board are not going to vote for any outcome other than what is recommended by CIRT. And let's just say I am wrong and the citizens actually do disagree with the CIRT recommendation and send a different recommendation to the sheriff. Who do you think the sheriff is going to side with? I am certain it would be the CIRT. And to make matters worse, while all this "review" is going on, the officers involved in these incidents are still not back at work yet, even if the coroner's inquest jury ruled the shooting justified. The normal practice now seems to be not to let the officer go back to work until the Use of Force Board is over. This has never been the practice until very recently.

This being said, let me tell you what I would do if I were involved in a shooting. First, I want you to know that I have the utmost respect for the officers assigned to both CIRT and FIT. I have had an opportunity to work with many of these professional officers, so what I say here should in no way reflect on

(continued on page 18)

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You're the Subject/Witness in an Internal Investigation and This Interview Is on Your Own Time!?

CORRECTIONS OFFICER THOMAS REID
Assistant Executive Director

Over the past several weeks the PPA has been getting calls about officers being noticed, either as a subject or witness officer, by the Office of Internal Affairs (OIA) for an interview at the end of their shift. The problem is that officers, especially corrections officers, are finding that line supervisors are not being flexible in adjusting their shift to allow the interview as part of their shift hours. This has caused some officers to have to work a full 10- or 12-hour shift, then be subjected to a taped interview past their shift hours without being adjusted or compensated monetarily. Some interviews have been canceled and rescheduled because the officer had already worked his normal shift hours before the interview got started.

The reasons supervisors are not flexible with employees are varied, but it mostly comes down to a tight operating budget, lean staffing and little latitude to hold over an officer from a previous shift or to call in overtime while the employee who is to be interviewed is at OIA. The Jail has the added issue of fixed posts where you need an officer to physically relieve another officer

before they can leave that post to do anything like appearing for an Internal Affairs interview.

The Police Officer Bill of Rights NRS 289.060 (3) (A)) states that a law enforcement agency shall "interrogate the Peace Officer during his regular working hours, if reasonably practicable, or compensate him for that time based on his regular wages if no charges arise from the interrogation."

The current problem stems from the fact that the words "if reasonably practicable" have different meanings for the officer being interviewed, the LVPPA and the OIA. To be fair, OIA does a vast majority of its interviews during the officers' normal duty hours. They also try to work with the officer, for example when an officer has a child pick-up issue or other situation that precludes them from being interviewed at a particular time.

To ensure that officers are not giving interviews on their own time, a meeting was conducted between members of the Department and the LVPPA where it was decided that night-shift employees who are interviewed would have their shift *adjusted two hours at the beginning of their shift.*

If you have any questions about this article, please contact me at treid@lvppa.com. VB



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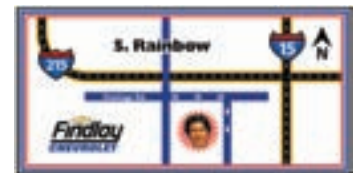
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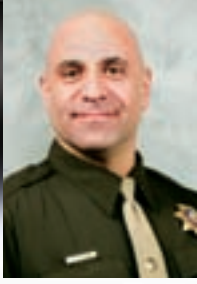
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Personal Insight

POLICE OFFICER MARK CHAPARIAN

Assistant Executive Director

As this year winds down and you find yourself looking forward to the next, take a few minutes to think about this past year and how you may want to shape the next one. Are you where you want to be in your life? Is there something missing in your life, or do you feel like you need to find your balance? Maybe you're content and could use some reassurance that you are doing well. You should use this time during the holidays to think about your personal and professional lives and what you can do to improve or maintain what is important to you. I recently went through a transitional period in my own personal life and use the following list to keep myself on the straight and narrow course to happiness and success. I'd like to share this list with you. You should keep in mind that this is not a complete list nor in any particular order.

1. Never surrender your integrity. You are and will be tempted to compromise this part of your very soul from time to time. Once you have crossed the line, you may not be able to recover to where you were. Take the "high road" until you have altitude sickness! If you fall off your horse, get back on immediately and never forget what made you fall. Don't associate with others who lack integrity because it's like a sickness and you may become contaminated.

2. Establish clear and concise boundaries and stick to them. When someone attempts to cross into your personal or professional boundaries, have a plan of action to enforce your space and never forget the reason you have boundaries in the first place. If you lack boundaries, create some immediately. Compromise is always a viable option, but ensure that you are comfortable before agreeing to anything that may degrade your values or principles.

3. Take your health seriously. If you are already a healthy person, continue to maintain your health. If you are out of shape and need to improve your health, make a plan to do so. There are so many support groups, books and professional services available for you to succeed. Having your mind and body balanced is an amazing way to go through life. Ask anyone who has achieved that goal and they will tell you the same. My father would always tell me, "If you don't have your health, nothing else is really relevant."

4. Family and friends are an important part of making you a whole person. Cherish the time you have with family and friends and invest wholeheartedly into your children. Children need mentors and role models. Are you doing your share to shape them into becoming loving, responsible, loyal and respectable American citizens? Don't take your family and friends for granted. Reach out to the people in your life and ask them how they are doing. More importantly, listen to them after you have asked them how they are. You just may need them to return the favor one day.

5. Allow yourself to love and be loved. No matter what your personal situation may be at the current time, do not shut out love from your life. Love is the lifeblood to happiness. Levels of love can and will fluctuate within your lifetime. Embrace it, respect it and allow it to flow freely into, and sadly, out of your life. You cannot capture it or control it.

6. Find passion in your life and pursue it. You can be passionate about love, hobbies, work, religion or many other things. Allow passion to grab hold of your mind and take over. Having passion for positive and constructive things is one of the most powerful emotional drives I think one can possess.

7. Strive to be an affectionate and compassionate person. For some, this comes easy. For others, it is a struggle to show affection or compassion toward others. Whatever your case may be, make sure you display affection toward the ones you love, respect and care about. Having compassion for someone in your life simply means you know how to "feel" and that you are wired correctly. Keep in mind there is nothing unmanly about being affectionate or having compassion. In fact it's quite the opposite; ask any woman.

8. Always maintain a good sense of humor. I can't emphasize this quality enough. Humor, and the ability to laugh, especially at one's self, is the best stress reducer known to man. Show me a person who has a good sense of humor and I'll show you a person who is usually happy, healthy and productive. Humor can defuse an ugly situation, change someone's demeanor or certainly change an otherwise stressful situation. Please don't take yourself too seriously. Remember to laugh and laugh often.

9. Be respectful. Have respect for people, animals and things. P# 5338 Respect is a deep emotion ingrained in us as children for things like family, religion, country and law. Respect is a power that drives you to act a certain way. Respect can be earned and lost as well. I have found that the easiest way to be respected is to show respect. I must remind myself to respect others who think differently than I or who have earned a title worthy of respect. Other things like God and country and the rule of law come very naturally. Take a minute and ask yourself who and what do you respect, and are you consistently showing the level of respect you profess to have?

10. Be accountable. There is nothing worse than a person who blames everything on someone or something else. Each one of us are where we are today based on decisions we made or failed to make. We must take accountability for our actions and inactions. Accepting accountability gives us knowledge, and that knowledge allows us to become wise if we choose to apply it. A person who is accountable does not fear the outcome, but rather embraces it in order to better himself. Think about the last experience you had with someone who refused to be accountable for their actions and what you thought of that person because of their unwillingness to be accountable. Accountability in a person shows great character!

11. Don't be a self-centered person. The world does not revolve around you and how great you think you are. Remember that you are but one small person on this large planet and for every action there is a reaction. You cannot survive on this earth alone, so don't act like you can. Share when you can, give when you should and sacrifice once in a while just because it humbles you. Self-indulgence will eventually drown you. Learn the gift of giving and you shall be rewarded many times over.

12. Have faith in something. Whether it's God, a religion or a government, just believe in something bigger than yourself. Believing in something that is larger than you is good for your soul. When all the worldly logic and common sense have failed you, having faith will enlighten you and guide you.

As you move toward a new year and new challenges, be critical concerning your view of the world and how the world views you. Never stop striving to improve yourself. I hope this article will inspire conversation, debate, discussion and thoughts concerning who you are, who you want to be and the direction you're headed. Please remember to give thanks, be healthy and safe and enjoy your holidays. **VB**



The Accident Review Board: An Update

POLICE OFFICER PAUL BIGHAM

Secretary

Since I came up to the PPA, one of the tasks I took on was the Accident Review Board. This occurred at just about the same time that the Department implemented some changes in the way the Accident Review Board operates. As you will recall, following the vehicle-accident-related deaths of our fellow officers last year, the Department thought it needed to change the way it did business at the Accident Review Board. The board wanted to look at accidents and incidents to determine if a pattern or trend in bad driving behavior was developing in officers. They then wanted to change that behavior with discipline, training or both.

During the past several months there have been issues that have come up and bumps in the road to these changes. We have worked hard to address these issues and have even on some occasions actually corrected them. One of these issues was the purging of accidents from officers' files. We found that documentation of some accidents remained in officers' personnel files from as far back as 15 to 20 years. This information should not have been accessible to the board, especially for purposes of administering "progressive discipline." Working with Labor Relations and the chairman of the Accident Review Board, we have agreed that this information should be subject to our contractual purge policy, and as a result this should not happen anymore.

Another issue we are working on concerns which cases the board will review. The PPA believes that an incident report should be handled by an officer's supervisor and need not go before the Accident Review Board like an accident.

Instead, the only involvement the Accident Review Board should have with an "incident" should be to maintain records of the incident report and the action taken by the supervisor in response to that incident, if any. An incident may be simply handled by way of a contact report, or perhaps EVOC or UMLV training. With that said, if you get into another incident within a 12-month period, this could bring you in front of the Accident Review Board to see if one of those trends or habits is developing.

We have also tried to address our concern about the lack of any recording of what transpired at the Accident Review Board. The PPA believes the hearings need to be recorded so that if any discipline comes out of it, and an officer wants to go forward with grieving or appealing that discipline, there will be an accurate recording of what was said during the hearing. This is still a work in progress and I will continue to keep you updated on what we are able to agree to.

One of the things I have noticed in working with officers at the ARB is that if you are rolling Code 3 and are involved in an accident, this will be cause to bring you before the Accident Review Board. The majority of the accidents I have seen at the ARB involving Code 3 are when officers are clearing an intersection and all traffic is stopped except for that far lane. When you get to that lane, it is too late and you get hit. The driver of the other car blowing by stopped traffic generally says he heard a siren but didn't see you. Adding insult to injury, you get a ticket for the accident *and* a trip to the Accident Review Board to face possible discipline.

Ultimately any officer should be able to look at his or her accident and know if it is going to land them before the Accident Review Board and not have to guess about it. Hopefully, some of our work in this regard will help you assess where you stand. **VB**

LVPPA BYLAWS VOTE

November 1 — November 7, 2010

This is a reminder to all LVPPA members that there will be a vote on the LVPPA Bylaw changes from November 1 to November 7, 2010, at the LVPPA office:

9330 W. Lake Mead Boulevard, Suite 200
0600 to 1800 hours

You can review all the Bylaw changes at www.lvppa.com.

Please contact the LVPPA office at (702) 384-8692 if you have any questions.



Catastrophic Leave

CORRECTIONS OFFICER KENNETH LOCHNER

Treasurer

I would like to remind everyone about the Catastrophic Leave Bank that is set up for the benefit of all our fellow officers in their time of need. Since I have been up at the LVPPA full-time as the treasurer, handling the Catastrophic Leave is one of my regular duties. Over the past three years, I have dealt with many officers in many different situations who have had to make use of the Catastrophic Leave Bank. And it seems that the number of officers using the Catastrophic Leave Bank is going up.

When officers call with questions about the Catastrophic Leave Bank, they are usually wondering first and foremost whether they will qualify and what the process is that they have to go through to get the benefit. Just telling them that Catastrophic Leave is governed by Article 11.5 in the contract is not enough. They are worried about themselves and their families, not to mention being able to meet their financial obligations.

When an officer puts in a request for Catastrophic Leave, members of this Department can donate time to them. We all know that some members of this agency have more connections and are perhaps more popular than others, so some will get more donated hours than others. Others who do not receive the same donations may suffer from the officer not having a full paycheck, or worse, none at all. In addition to donated time, officers can turn to the Catastrophic Leave Bank for time as well.

I know from dealing with officers in these difficult situations that it can pull on your emotions, and that you want to help the officers any way you can. We strive to do whatever we can within the parameters of the contract, and Article 11.5 and the guidelines that are established therein. The biggest concern is always that the Catastrophic Leave Bank won't be able to meet the needs of the officers when serious injury or illness devastates their lives.

This goes back to the main reason that I am writing this article. When it comes to the end of the year, you are all certainly aware of your end-of-year vacation balance and what you could carry over. You obviously don't want to carry forward hours that you cannot cash out upon retirement. It is these hours that we would like to remind you to donate to the Catastrophic Leave Bank. When we come to that last check and we have an amount that is over what we can carry forward, we lose it and the Department gets to take it off the books. So the only benefactor here is the Department, and we as officers lose that benefit and money. We have somewhere in the neighborhood of 3,200 rank-and-file officers with Metro. If you find yourselves in a situation at the end of the year where you have hours that you cannot use and you cannot carry forward, please DONATE them to the Catastrophic Leave Bank. Who knows? You may at some point in your career need to put in for this benefit yourself; certainly some of your fellow officers who you work with every day will benefit from it.

I would ask that all officers read Article 11.5, and remind your fellow officers about the Catastrophic Leave Bank and how it works. Tell them that it is a great cause for all of us. I have personal experience with the Catastrophic Leave Bank and can attest to what a help it was to me and my family when we really needed it.

11.5 Catastrophic Leave

When an eligible employee suffers a catastrophic illness or injury, and the eligible employee has exhausted all accrued leaves as a result of the

illness/injury, then the eligible employee may file a request for donations of leave with the Association.

The request must be accompanied by:

- A medical statement from the attending physician explaining the nature of the illness/injury and an estimated amount of time the employee will be unable to work.
- Evidence of the Bureau Commander's approval of leave of absence

The Executive Board of Directors for the Association will establish eligibility standards and will review the request to verify the employee's eligibility to receive leave donations.

The Association will conduct the solicitation of donations and will be limited to an information-only solicitation, with no personal lobbying by employees. Solicitations will be conducted for 30 calendar days and all donations will be submitted to the Association on the provided form.

Donations can be made from the donor's bonus hours, vacation leave, and/or professional leave. Sick leave cannot be donated. The minimum donation is four (4) hours. Employees must have a vacation leave balance of at least 40 hours after the donation.

The Association will forward donations to the Department Payroll Section, where the donated time will be converted to dollars at the hourly rate of the donor. The dollars will then be converted to sick leave at the hourly rate of the recipient. If any donated sick leave hours remain at the end of the catastrophic leave, they will be transferred to the Catastrophic General Fund Account (bank).

Bank hours, if any, may be approved by the Association Executive Board on a matching basis, if needed (e.g., a solicitation for an approved employee nets 100 hours - after the 100 hours are used, the Association Executive Board may approve up to another 100 hours from the bank, if hours are available). However, employees will be eligible to utilize up to 160 hours of bank time prior to applying the matching standards set out herein.

Eligible employees:

- The Catastrophic Leave Program is available to all collective bargaining unit employees who require a minimum of 80 hours leave after all accrued leaves have been exhausted. This may also apply to intermittent leave situations directly associated with the catastrophic leave request.
- Employees who have graduated the Academy and are covered by the collective bargaining agreement.
- Employees must meet the following definition of catastrophic illness/injury:

"Catastrophic Illness/injury is an illness or injury that keeps an employee from performing the duties of their job (i.e., the employee is hospitalized, homebound, or is the primary care giver to a member of their immediate family). The illness or injury cannot be a result of an illegal act, nor can it be intentionally self-inflicted."

- Employees with work-related Worker's Compensation claims are not eligible for the Catastrophic Leave Program.

When an employee utilizes this benefit, the employee will be required to reimburse the above described bank with accrued vacation at a rate of 1.5 hours per pay period. This reimbursement will be required for any hours utilized (donated or banked) up to a maximum of 160 hours per incident.

(continued on page 14)



Coroner's Inquest

DETECTIVE MICHELLE R. JOTZ

Director of Governmental Affairs

Having had the opportunity to spend a significant amount of time participating in many of the recent coroner's inquest hearings as a representative of the officers, I have become increasingly concerned about the way things are changing. The Clark County Code provides the rules governing the inquest and is specific in reference to the fact that this process is not to be an adversarial proceeding. In case you haven't seen the code, it reads as follows:

2.12.080 – Inquests — Duties and Procedures

... (c) In a case where the coroner determines that an officer was involved in the death of an individual, the coroner will call for an inquest, contact the appropriate prosecutor, and utilize the procedure set forth in Section 2.12.020(e) for selection of a presiding officer.

(d) If an inquest is called for an incident not involving an officer involved death, the coroner shall either designate an inquest hearing officer or a willing and qualified magistrate in Clark County to conduct and preside over the inquest.

(e) The qualified magistrate in Clark County or inquest hearing officer shall be designated as the presiding officer.

(f) Once a presiding officer is selected, he shall meet with the coroner and representatives of the prosecutor's office and determine what evidence and witnesses will be needed in order to conduct an inquest.

(g) The prosecutor will assist the presiding officer with the preparation for the inquest and work at the direction of the presiding officer. The prosecutor shall serve as a neutral presenter of facts. In this role, the prosecutor shall not act as an advocate for any of the interested parties.

(h) The presiding officer may also meet prior to the inquest with other interested individuals and obtain a list of witnesses who may be subpoenaed and obtain a list of questions that should be asked of witnesses at the inquest.

(i) The presiding officer and the coroner shall obtain a copy of all records, exhibits or other evidence that they determine to be relevant to the matter under investigation.

(j) The presiding officer and the coroner shall designate a time and place for holding of an inquest for an incident not involving an officer involved death. The presiding officer shall subpoena all necessary witnesses to testify at this inquest.

(k) The presiding officer shall designate a time and place for holding an inquest for an incident involving an officer involved death. The presiding officer shall subpoena all necessary witnesses to testify at this inquest.

(l) The presiding officer shall request that the Clark County jury commissioner select a panel of fifteen individuals, qualified to serve as an inquest jury panel, to assemble at the time and place previously designated for an inquest.

(m) The presiding officer shall preside over the inquest and shall insure that the inquest is conducted as an investigatory proceeding and not an adversarial proceeding. The presiding officer should substantially comply with the following procedure:

(1) Once an inquest is convened, the presiding officer shall select at random seven jurors from the jury panel to sit as an inquest jury. He shall then conduct a voir dire examination of each juror. If any bias, prejudice or other good and sufficient reason manifests itself during

the examination, the juror shall be dismissed and another juror shall be selected.

(2) At the inception of the proceedings, the presiding officer shall identify all interested parties that will be permitted to participate in the proceedings and shall make an opening statement indicating that an inquest is not an adversarial proceeding but a fact finding procedure and that the presiding officer, prosecutor and the jurors will be the only individuals allowed to question witnesses. Any other interested parties must submit any proposed questions in writing to the presiding officer or the inquest clerk. After reviewing the proposed questions, the presiding officer may: (a) ask the witness the question; or (b) not ask the question. If the question is not asked, the presiding officer shall orally read the question into the record at the next available opportunity outside the presence of the jury. All unasked questions shall be orally read into the record before the conclusion of the proceedings.

(3) The presiding officer in his discretion may allow witnesses who are not subpoenaed to testify, after he has reviewed such testimony outside the presence of the jury.

(4) The examination of witnesses shall be under oath but informal and the usual rules of evidence shall not apply. The presiding officer shall, however, have the authority to control the questioning of witnesses.

(5) The exclusionary rule shall be invoked as to all witnesses that are subpoenaed or that may wish to testify.

(6) The presiding officer shall admonish the jury at each adjournment of the inquest not to:

(A) Converse among themselves or with anyone else on any subject connected with the inquest;

(B) Read, watch or listen to any report of or commentary on the inquest or any person connected with the inquest by any medium of information, including without limitation newspapers, television and radio; or

(C) If they have not been charged, form or express any opinion on any subject connected with the inquest until the cause is finally submitted to them.

(7) The presiding officer shall have such other authority and power to conduct the inquest as he deems necessary to insure a fair and just hearing. However, the inquest must be conducted so that it is consistent with subsections (M)(1) through (6) of this section.

(n) Anyone who unreasonably disrupts the inquest or fails to obey the orders of the presiding officer shall be found in contempt of the inquest and may be removed from the proceedings and/or fined one hundred dollars.

(o) A single inquest may be held with respect to more than one death, where all of such deaths were occasioned by a common cause.

As you can see by Section (m), Subsection (2), the code is clear that this is not an adversarial proceeding. During the last few inquests, the questions asked and the way they were asked have been increasingly adversarial. The judge has also allowed a ridiculous amount of questions to be asked that don't have anything to do with the shooting itself. I listened to questions that I felt were not only insulting, but also completely irrelevant. Officers have also been required to answer the same question a dozen or more times. Then there are the questions

(continued on page 14)



On Duty ... Off Duty

DETECTIVE DARRYL CLODT
Sergeant-At-Arms

We have all been there — in an off-duty capacity when a situation presents itself that causes you to wonder whether or not to “take action.” The first question you should ask yourself is whether what is taking place is it so bad that you need to respond, or whether you can simply watch what is going on and be a good witness later if need be. Many years ago, I took a routine stolen-vehicle report just like we all do on a regular basis. I finished my shift in the morning and went home. At that time, I lived in a cul-de-sac, with only four homes on my street. As I pulled onto my cul-de-sac, I saw the stolen car. As you can imagine, there weren’t too many lime green and yellow old VW bugs on the streets back then, so it stuck out like a sore thumb. I thought to myself, I don’t believe it; the car is here in my street and the idiot is driving it still!

I debated what to do for a minute and then made my choice; I decided to follow the subject vehicle and call 911. The vehicle went to a gas station at Cheyenne and Tenaya. I made the call to 911 and shortly after that several black and whites pulled up. I’m sure that driver got the surprise of his life when officers appeared out of nowhere and took him into custody. Looking back on this event, I believe I made a good choice back then. However, in today’s world the better choice might have been to pull up in my driveway, turn the other way

and say, “Oh well, it’s no big deal; just another stolen vehicle. Maybe it is not worth the trouble the Department may bring me if things go bad.”

So many stories are out there about off-duty incidents. Some are simply unavoidable. Many of us remember the officer who was in a bar when the bad guys came in to rob everybody, only the bad guys picked the wrong bar as it was full of cops listening to one of their favorite bands. Those who remember this incident recall the horror and violence that took place that night. It was not a pretty picture, but one we all should be aware is a possibility in today’s life. It was lucky that perfect action was taken by those officers involved in that event.

But what about the situation where an officer’s neighbor keeps parking in the officer’s driveway and refuses requests to quit doing so? Do you respond by taking action? What do you think the Department would do or say? We live in a different world than what existed just a few short years ago. My concern is that if the officer takes action, the assumption is that he is automatically wrong. Why this assumption? I believe that the recent internal investigations being done today show that officers are deemed guilty until proven innocent.

The sad fact is that the Department has created this climate of questioning all that our officers do. So what will you do in this type of situation? You might be wise to not do a darn thing off duty. It is just not worth it. Maybe just being a good witness is enough. **VB**

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KATHY WERNER COLLINS
General Counsel

Legal Briefs

Here is an update on a number of issues that come up in our office. Hopefully this information will help you protect your rights under contract and under law.

NRS 289.060 — Peace Officer Bill of Rights Pertaining to Notice Requirements in an Investigation

NRS 289.060(1) requires that notice to an officer of an interrogation or hearing shall be in writing and shall be given within a reasonable time before the interrogation or hearing concerning an investigation of an officer. By statute, the Department may not interrogate an officer without 48 hours notice of the date and time of the interview (NRS 289.060(2)). It should also be noted that the 48-hour-notice requirement is mandatory. While an officer may waive this notice and submit to an interview within less than 48-hour notice, if the officer chooses not to waive the notice, an interrogation or hearing absolutely may not occur without the 48-hours notice.

NRS 289.040 — Peace Officer Bill of Rights Pertaining to Placing an Unfavorable Comment or Document in an Officer's Administrative File

NRS 289.040 prohibits Metro from placing an unfavorable comment or document in your personnel file or station file until you have had an opportunity to read and sign it or refuse to sign it, in which case a note will be placed on the document reflecting your refusal to sign. Keep in mind though that this section also allows you to submit a written response to that comment or document within 30 days of being asked to sign the document and, assuming you do so, Metro must attach that response to the comment or document in your file.

Filing a Grievance

Under the Collective Bargaining Agreement Article 12, if you have any type of dispute mentioned in that article (an appeal of a written reprimand or a suspension; an alleged violation of a Civil Service Rule; a dispute regarding the application or interpretation of a provision of the Collective Bargaining Agreement; a dispute regarding the application or interpretation of a Department rule; regulation, policy or procedure that governs the Department; or disciplinary transfers) and you cannot resolve it informally, you then have 15 days from learning about the dispute to file a written grievance (this is Step 1 of the process). If the grievance pertains to the appeal of discipline, the 15-day time period

starts to run from the date you signed the Adjudication of Complaint and received a copy of the Adjudication. Thereafter, the individual charged with handling the grievance will hold a meeting with you and your representative within 15 calendar days of the date you filed the grievance and will submit a written response to you within 22 calendar days of the filing of the grievance.

Appealing a Written Reprimand

If you have received a written reprimand and have unsuccessfully grieved that written reprimand, you may appeal it. Under the Collective Bargaining Agreement, a written reprimand is only appealable beyond Step 1 to a deputy chief. An appellant has 30 calendar days after receipt of the Step 1 grievance response to request that the written reprimand be reviewed by a deputy chief. Thereafter, the deputy chief has 15 calendar days from the filing of the appeal to hold an appeal meeting and 22 calendar days from filing the appeal to provide you with a written response. The deputy chief's response shall be final and binding.

Appealing the Denial of a Grievance for a Suspension or a Contract Matter

If you have received a suspension or if you have a dispute regarding the application or interpretation of a provision of the Collective Bargaining Agreement or a Department rule, regulation, policy or procedure, and you have unsuccessfully grieved that suspension or dispute, you may appeal that denial to a Labor Management Board. The Labor Management Board is comprised of a chairman, two representatives from Labor and two representatives from management. The request for a Labor Management hearing must be submitted within 30 calendar days of receipt of the Step 1 response. Once submitted, the following timelines apply:

Hearing schedule: All Labor Management Board hearings for an entire month will be conducted on one day. Specifically, all Labor Management hearings that have been requested in the month of March will be heard on the second Thursday in May, all Labor Management hearings that have been requested in the month of April will be heard on the second Thursday in June and so on. This schedule has been developed to address scheduling and rescheduling problems that have existed in the past.

The parties are to exchange exhibits at least 14 days prior to the scheduled hearing and provide witness lists and issue

(continued on page 15)



Sheriff's Message

SHERIFF DOUGLAS C. GILLESPIE

I would like to discuss some changes that our agency is moving forward with to address use of deadly force investigations. I know that there has been a lot of conversation as well as some confusion with the changes, and I think it is important for me, as your sheriff, to address these issues.

The first change that was implemented this year was the formation of the Critical Incident Review Team, or CIRT. The CIRT team grew out of the Critical Incident Review Panel (CIRP) process that has been in place for over three years. The mission I have given CIRT is not only to respond to and review current use of force incidents, but also to look at what is occurring on these critical uses of force from a historical perspective moving forward.

When the team began looking at both previous and current events, some interesting statistics came out. First, we have had a large number of shootings involving foot pursuits. Working with the Training Bureau and in conversation with other agencies around the country, the team determined that most agencies, including our own, were providing limited training in this area. In further review, CIRT also found a large number of shootings occurred in low-light situations, whether nighttime or daytime in a dimly lit building.

Both of these findings, as you will see at the beginning of the year, will result in changes to the way we train each and every one of you. Does this mean your previous training was bad? On the contrary, I am proud of our Training Bureau

and believe we have provided excellent training, consistent with standards across the country. However, when we recognize an area that can be improved upon, then we must respond. Remember, folks, the only way to get better is to constantly challenge ourselves by adapting and modifying our training on a continuous basis to better handle the threats that you face every day on the street.

I know some of you have been concerned that CIRT will become an extension of Internal Affairs, which is simply not true. In order to clarify what will happen, let me explain what currently occurs with the Use of Force Board and what modifications are going to happen. Currently, if an officer uses deadly force that does or does not result in death, they must attend the Use of Force Review Board as the last step in the administrative process. After the opening comments by the board chairman, the officer is read their *Garrity* admonishment. After the presentation by the Homicide Unit, the officer can then be asked questions by any of the board members which the officer has to answer. If the board feels an officer acted in some way inappropriately, they make a recommendation to the board chair to initiate an internal investigation, which is then handled by the Office of Internal Affairs.

Under the new system, a few process changes will be made. The first change is that CIRT will present to the Use of Force Board rather than the Homicide Unit. The reason for this change is that Homicide's task in an officer-involved shooting is the criminal investigation into whether or not the officer was justified in their application of deadly force. The Use of Force Board is an administrative action; therefore, it is more appropriate for CIRT to present to the board. The other change that will take place does have to do with the *Garrity* admonishment. CIRT will be conducting interviews with the involved officers prior to the Use of Force Board, looking at the event from a training and tactics standpoint. Because they are interviewing officers about the event, they admonish the officers under *Garrity*.

There are two reasons for doing the interviews this way. First and foremost, the officers are automatically afforded protections under *Garrity*. Second, by completing the interview in advance of the Use of Force Board, CIRT will be able to give a much more thorough presentation. The rest of the process remains the same when it comes to deciding if any internal discipline should be considered: The board will make the recommendations to the chairperson just as they do now.

The second change that is occurring is the formation of the Force Investigation Team, or FIT. The FIT Team is comprised of seasoned homicide investigators who have volunteered. These are the same detectives that have been coming out on officer-involved-shooting incidents and they are still assigned to the Homicide Unit. The difference is that these detectives will focus strictly on critical uses of force by Department members, and they bring with them a wealth of experience and expertise. This will provide a consistent approach in responding to these types of incidents.

The Las Vegas Metropolitan Police Department is the finest law enforcement agency in the world, and on a daily basis you are asked to go out and do a very difficult job. When you are the best at what you do, a level of transparency comes with that job. Being transparent is a good thing. It lets people in the community see that we are true professionals, while showing we are also human beings who must continue to challenge ourselves to learn and grow. It makes us work harder and strive to improve what we do every day.

If you have any questions about these process changes, please reach out to one of the CIRT or FIT detectives and they will be more than happy to answer your questions.

Be safe out there and keep up the good work. **VB**

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Keepers Part II

HARRY R. FAGEL

We all walk this path
Swagger or sway
Cowardice or brave
Some girl some boy
Some man some woman
Everyone a life, a soul, a being
We come into the Earth
Scramble to survive
Grab a piece of something or
Someone and hold on for dear life
We all dream and wonder
We all scheme and plunder
We all strive and blunder
This life is all we know and together we walk here
But ...
Even shoulder to shoulder
Hips hugging in the peripheral
My shoes are different than yours, different than hers different than theirs
We all walk together yet separated by our feet
Each of us on our own path co-mingled with all the rest
Each of us
a tiny little bit in charge of
What Happens Next
Yet somewhat burdened at the same time by
The shape of the road and
We wish on stars and
Gasp at atrocity and
Revel in wrongdoing or heroism depending on
Which road we took
Yet we all move forward
Crawling, shuffling, walking, running
Moving on
Taking in the breath we breathe and
Blowing it out
Trying to light or extinguish the flames
Wondering if the next corner brings
Pain or salvation
We cannot will not ever know
We just keep on
Keeping on
Our choices are ours
Yet the path is in another's hands

So regardless of these hard-won plans
The path diverges
Dips
Cavorts and becomes a
Shining road of gold or ...
A river of shit
So when a man or
Woman or
Saint or
Devil
Makes their choice and drives on
The consequences are all that are real sometimes
Echoed in the laughter of a child sometimes
Echoed in the exaltation of joy sometimes
Echoed in the tears of shame or defeat and sometimes
Echoed in the sound of gunfire
The beating heart walks the path too and
As the pumping slows and slows and
Stops
Cordite wisping through the air
Blood frozen forever in the moment
The man on the path he chose
Falls to the ground
The crowd roaring in confusion around him
The crowd applauds around him
The crowd screams its disapproval
The crowd whispers its acceptance
He dies there in the midst of
Consumers all that's left is family and friends and a good life with
One bad choice
Like the choices we all make to
Live or to die
To drown or fly
To give or take
To destroy or make
We keepers sigh and move on and
Pick up the evidence and
Grin a bit at the tragedy and
Cry a bit at the sadness because in the end
It's all inevitable

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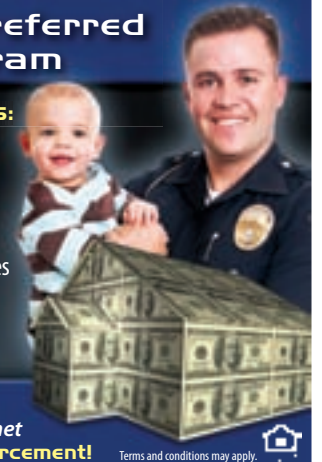
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CATASTROPHIC LEAVE

(continued from page 8)

The parties agree that should any problem or abusive practice arise, the parties will meet to make reasonable adjustments to facilitate the administration of the program or to eliminate these abusive practices.

Annotation: This section was modified in 2009 to identify that intermittent absences can be covered by catastrophic leave requests.

Please, after reading this or in the future if you have any questions about Catastrophic Leave, call me at the office at (702) 384-8692, ext. 221; on my cell at (702) 328-0896; or email me at klochner@lvppa.com. **VB**

CORONER'S INQUEST

(continued from page 9)

that are just to help build a foundation for the civil suit that everyone knows is going to follow. Having seen how these latest inquests have been handled, I wouldn't participate in this process.

What the public fails to realize is that although we are subpoenaed to the inquest, we can plead the Fifth Amendment and choose not to answer any questions whatsoever. Our cops have voluntarily chosen to take the stand and provide their explanation of what has happened and then been brutalized by questions, over 1,500 in this last inquest alone. Answering difficult questions isn't my concern — being interrogated is!

There are again suggestions being bandied about that would have the family or their representative stand up in open court and question the officer directly. This negates the entire premise that this is not adversarial. There would also be a significant amount of emotion injected into the proceeding that would override the fact-finding motive. This process may not be perfect, but it lays all the facts out on the table for the public to take in. Need I remind people that this process was once done behind closed doors in a grand jury hearing?

Our cops want to tell their side of the story. It would be a shame if they no longer felt they would get a fair shake by doing so ... **VB**



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P# Contest (\$50)

John Alers, P# 7153

Bashir Assalimy, P# 14062

Denise Huth, P# 8543



John Alers



Bashir Assalimy



Denise Huth

LEGAL BRIEFS

(continued from page 11)

statements at least seven days prior to the scheduled hearing. Note that in the event these exchanges are not made in a timely fashion and there is no agreement by the parties to accept a late submission, the board has the authority to receive the late submission, refuse to accept the late submission or reset the hearing.

Time limits for hearings: Each party has 90 minutes within which to present its case, including argument, presentation of witnesses and cross-examination of the other party's witnesses. The purpose of this time limit is to encourage the parties to conclude these matters in an efficient fashion.

To Appeal a Termination

If you have attended a pre-termination hearing, the pre-termination board has 72 hours (three working days, excluding weekends) to forward a recommendation to the sheriff. Thereafter, the sheriff has 72 hours (three working days, excluding weekends) to advance his decision to you. If the sheriff's decision is to terminate you, you then have 30 days from the date on the notice of termination to submit a request to the sheriff asking that the matter be reviewed by an arbitrator. Note that in the case of a termination, there is no Step 1 P# 8559 grievance.

Once a request for arbitration is put in and the case is assigned to an arbitrator, the assigned arbitrator shall schedule the hearing within 90 days of his notice of the assignment. Thereafter, the arbitrator shall submit a decision to the parties within 30 calendar days of the close of the hearing.

Citizen Review Board

If a complaint has been filed with the Citizen Review Board against you, you will receive written notice of the complaint from the CRB. The notice will contain a copy of the complaint itself and will advise you of what steps the board will take in addressing the complaint. In particular, you will be advised that the complaint may be dismissed, referred for mediation or referred to the Internal Affairs Section of LVMPD for investigation. In making their decision, the board will review the citizen's complaint and any documents or police reports that accompany that complaint. You should be aware that generally the board does not have any police reports and only receives one side of the allegations from the citizen. Therefore, if you would like to file any response or police reports for the board to review with this complaint, you may do so. You will be given a date that your response is due to the board if you do choose to respond. We at the PPA only receive a copy of the complaint if you send it to us. We are happy to prepare a response to the CRB on your behalf but can only do so if we are aware of the complaint. We find that the vast majority of these complaints are summarily dismissed without so much as a hearing by the board when a response is filed on the officer's behalf. It is not wise to ignore the complaint and file no response; do not let a fellow officer convince you that you do not need to respond when you receive notice of a CRB complaint.

To File a Workers' Compensation Claim

If, during your employment, you have an accident or incur an occupational disease, and your injury or illness arises out of and in the course and scope of your employment, it is imperative that you file a Notice of Injury or Occupational Disease (Form C-1) within seven (7) days of the date of injury or illness. If medical treatment is sought, the Claim for Compensation (Form C-4) must be filed within 90 days after an accident or discovery of an occupational disease. Your treating physician must complete this form and distribute the copies as directed. You should not wait to see if your injury gets better on its own over time, but rather act on the side of caution and complete and submit the above listed form C-1 (Notice of Injury or Occupational Disease) to your superior immediately. If you delay the completion and submission of the above listed forms, your claim for workers' compensation benefits can be denied.

Ultimately, if you disagree with an adjudication of a workers' compensation claim, or if you are denied workers' compensation benefits, you may appeal the decision within 70 days. You must file Form D-12a with the Department of Administration, Hearings Division, 2200 S. Rancho Drive, Suite 210, Las

Vegas, Nevada 89102, or request that our attorneys file this form on your behalf within the 70-day time frame. A hearing will then be scheduled before a hearings officer on your behalf.

To File an EEOC and NERC Complaint

Consistent with federal law, the Department has a policy that its employees shall have the right to work in an environment free of harassment and/or discrimination based on the employee's race, color, religion, sex, national origin, age, disability, veteran status and sexual orientation. The Department also considers political affiliation a protected class, though not recognized by law. Complaints of harassment or discrimination may be reported to the Office of Employment Diversity, an employee's chain of command, the Professional Standards Division commander or the Human Resources Division commander. Know, however, that you also have the right to file a complaint with the Nevada Equal Rights Commission (NERC) and/or the Equal Employment Opportunity Commission (EEOC). If you choose to proceed in this fashion, your complaint must be filed within 180 days of the last alleged discriminatory act to be accepted for review by the NERC, or filed within 300 days of the last alleged discriminatory act to be filed with the federal EEOC.

To File a Civil Service Appeal

An alleged violation of a civil service rule not otherwise covered by the Collective Bargaining Agreement may only be appealable through civil service rules to the Civil Service Board. If you wish to appeal an alleged violation of a civil service rule, you must file the appeal (in the form of a Request for Receivability) with the secretary of the board within 10 calendar days of the final administrative action taken against you. Again, failure to file the appeal within the applicable time limit will result in the appeal being deemed not receivable and it will not be heard.

I hope that some of the information contained in this article gives you something to think about and perhaps even helps to prevent you from making the same mistakes others before you have made. I am always available should you have any questions about what is addressed in this article or any other matters. Please do not hesitate to contact me. **VB**



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GRIFFITHS SIMISTER TRUMAN ORTHODONTICS

Letters Regarding the Coroner's Inquest

The following are letters that were written to the *Las Vegas Review Journal* or the Clark County Commission. They were forwarded to our office and we thought they were worthy of being printed in *Vegas Beat*.

To the editor:

For the life of me, I cannot understand why some Las Vegans think the Coroner's Inquest system is so inadequate when the majority of jurisdictions in the United States have much less rigorous procedures in place to deal with officer involved shootings. Instead of being thankful that Las Vegas is more open than most about police shootings, they demand that the process be made even more stringent ("adversarial" is the term being bandied about).

I killed a man in the line of duty when I was a young Las Vegas Police Officer. I went through the Coroner's Inquest process (yes, we had them in place way back in the 60s) and it was a gut-wrenching experience to lay my soul, emotions and thought processes bare to the jury, the family of the deceased, the spectators and the media. As difficult as it was, I spoke freely and without reservation. The jury voted justifiable. Had the current proposals being touted by the ACLU and others of that ilk been in place back then, I can guarantee I would have behaved differently.

First of all, I would have "lawyered up" and I would have exerted my privileges against self-incrimination at the first question by the prosecutor. Heck, I probably wouldn't have even spoken to Internal Affairs at the scene of the shooting. As for a "representative" (read lawyer here) of the family of the deceased getting to have at me in order to flesh out his pending wrongful death suit, it would have been the Fifth Amendment all the way. I would rather take my chances with a Grand Jury which, in many communities, is the way officer involved shootings are dealt with.

Get real Las Vegas! Your system is much more open and advanced than most in this country and has worked effectively for almost half a century. To turn it into an "adversarial" process will render it ineffective at best and useless at worst.

Eric Cooper, Retired LVMPD Undersheriff

Mr. Collins:

I am writing to you regarding today's commentary by Vin Suprynowicz, Commentator, *Las Vegas Review Journal* who lied accusing Metro officers of shooting Scott after he was faced down. I have attached my response to the *Las Vegas Review* editorial staff and to Sherm Fredericks.

My wife and I shop at the Costco in Summerlin all the time. Had my wife and I been at the store that day I would have been glad Officer Mosher was on the scene. After listening to the inquest over the last several days I have no doubt Officer Mosher acted professionally and carried out his duties as required in a lawful manner.

He quite possibly saved his life, fellow officers and bystanders. Please convey to Officer Mosher my thanks and gratitude. I, like Officer Mosher served in the military and it would have been my pleasure to jump in his foxhole.

My wife and I are always talking about the professional officers on Metro. Please feel free to use this correspondence in any manner you want.

Sincerely,

Michael O. Kreps, Special Agent in Charge (Retired), NASA Office of Inspector General

Dear Sherm:

I am a big fan of Vin Suprynowicz but today he is completely wrong about his assessment of the officers involved in the Scott shooting. He lied about the facts and should be made to retract this gross inaccuracy and apologize to the officers involved. This is not responsible journalism or commentary.

Dear Mr. Mitchell:

I have attached my comments to your paper today regarding Vin's commentary. Vin in a nut shell while complaining about the lack of openness of the Inquest of Scott which I partially agree with called Metro officers killers and made a false statement claiming Mr. Scott was shot in the butt from behind while he was faced down on the ground. That is the most irresponsible commentary I have heard in a long time and he should retract this untrue statement.

Vin Suprynowicz stated in his column on Sunday that Metro officers shot Mr. Scott from behind in the butt, after he was face-down on the ground already dying from two gunshots through his heart. I don't know what inquest he was at but that is not the truth. No one reached any conclusion that Mr. Scott was shot after he was on the ground. Maybe Vin has never shot a weapon because he is ignorant of how fast shootings occur and where fired bullets land during these types of shootings. From the time of the first shot to the last probably no more than 5 seconds elapsed. When Mr. Mosher took his first two shots, the other officers also were in the process of shooting their weapons. As the other officers shot, Mr. Scott had already been struck and was turning resulting in the bullets striking his back and buttocks. It makes sense where the second volley of bullets struck. The other officers that shot Mr. Scott did not say to themselves, oh Mr. Scott turned his back and on the ground so I am going to shoot as Mr. Suprynowicz would like us to believe. That is ignorant to think that is how it occurred.

Officer Mosher should be commended for his professionalism and that his actions may have saved his life, his fellow officers and innocent bystanders from being shot by Mr. Scott. Mr. Scott brought this on himself by carrying a weapon while on medication that seriously impaired his mental state, by failing to comply with Officer Mosher's commands and lastly by pulling his weapon in a threatening manner by pointing in the Officers direction. This action would lead one to believe he was going to shoot.

Mr. Suprynowicz is also upset that the Assistant District Attorney asked probing questions of the doctors who prescribed Mr. Scott the various pain killing medicines. Mr. Suprynowicz failed to mention that one of the prescribed drugs in his system at the time of death was at a lethal dose level. Three of the doctors terminated their medical services of Mr. Scott and recommended he be treated for detoxification of the drugs. The questions posed to the doctors were appropriate to the Inquest and were asked to attempt to find out Mr. Scott's ability to make sound decisions and his state of mind.

Mr. Suprynowicz seems upset that he did not get a seat at the table inside the court room and instead had to watch it on television in a nearby courtroom. Mr. Suprynowicz is upset that he did not get to see the jurors and could only see the witnesses and the judge? Vin, you weigh the evidence and fairness of the hearings on the witnesses, evidence presented and people asking the questions not anything else.

Sincerely,
Michael O. Kreps, Special Agent in Charge (Retired), NASA Office of
Inspector General

Sent to all Clark County commissioners (from one of our officers)

10-05-10
County Commission,

You have agreed to look into and change the process of the Coroner's Inquest based upon recommendations of a "committee" or "panel" of individuals you have selected. You want the process to be more "adversarial" and thus you have selected representatives of entities that are nothing other than adversarial when it comes to Law Enforcement, i.e. ACLU, NAACP, Public Defender's Office etc. You are hearing the complaints of constituents from within the community who are nothing other than adversarial when it comes to Law Enforcement. You are disregarding the process that is in place that does allow for questions to be asked by **anyone** in attendance, not just the family. So tell me how this process is one sided in favor of Police when questions are allowed? You have disregarded that the Officers are **not required** to give testimony in the inquest process, but do so **voluntarily** to provide information and insight into the event that took place. Not one of you is a Police Officer, and I'm quite sure that any representative from the ACLU, NAACP, or the Public Defender's Office is not nor has been a Police Officer. Not one of you know what it is that Police Officers go through on a daily basis, or have to endure after the tragedy of having to take a life. If you vote for a change of any kind in the process, you will have a negative effect on how Police Officers do their jobs and quite possibly cause a few Officers to get killed or seriously injured. Everything in this paragraph is a FACT. Now, let's talk about truth, because that is the basis of your argument as well as the select few who have cried out for change in a fact finding process; that the truth is not revealed.

The Coroner's Inquest has been referred to as "fact finding process", because it is exactly that. It is not a truth finding process because the truth is subjective and based in large part upon perception. If I tell you that the sky is green and

not blue, and that is what I believe without reservation, then I am telling the truth. It is my truth, even though you would probably disagree. However, all other testimony and evidence to the contrary would prove my truth wrong and that is where fact comes from. You have listened to public outcry that the "truth" was not told in this most recent Inquest, but who were the ones saying that? Were any of them witnesses to that tragic event? They have ridiculed and criticized the Las Vegas Metropolitan Police Department and say that the "truth" was not told. This is true based upon **their perception** but the facts that were presented in the Inquest process proved otherwise.

What is equally tragic is that you all are buying into this philosophy of truth rather than fact. If you want truth, then by all means change the process, because all you will get is speculative argument that will skew the details and facts of a shooting. If you want facts, then leave it alone. You are alienating our Police Department and you are creating the public distrust of the Department by going along with the few people that do not like the Police Department anyway and will not be happy no matter what you do. Many of the people, who criticize, want the Police Department to go away. You will not please everyone even if you change the process a little bit. You fail to use common sense in the matter. I will present you with it in case you have not realized it: If you OBEY THE LAW, if you do not resist, if you do not fight, if you do not use a weapon towards Officers then you will have NOTHING to fear from your Police Department. Why have none of you felt compelled to bring this to light, in the face of those that have the audacity to stand in front of you and the public and say they live in fear of their Police Department but not the criminals that terrorize the streets every day?

I know the answer to that last question, and it is because you are politicians and you want votes. Well my response to that is; you had better look at the Department approval ratings because they are the highest they have ever been. The numbers may have dipped recently but not because of what the Department is doing, but because of what you are doing to the Department.

(continued on page 18)



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EXECUTIVE DIRECTOR'S MESSAGE

(continued from page 4)

any of them. It is simply what I believe would be in my best interest. I would not voluntarily participate in the interview with the FIT on the day of the shooting; rather, I would comply with the law and merely provide a "public safety statement" letting them know enough about the incident to locate evidence and suspects. After that, when I was subpoenaed to appear at a coroner's inquest, I would protect myself by asserting my Fifth Amendment right against self-incrimination and refuse to answer any questions. I would do this because of the circus the inquest process has turned into. It now takes days to review a decision an officer made in a tenth of a second. The various attorneys present at recent inquests are writing hundreds, if not thousands, of questions. The inquest has become nothing more than a discovery process for the civil litigation that is sure to follow. I would of course participate in the CIRT interview and the Use of Force Board because I would be compelled to under threat of termination. You may ask why I would proceed in this manner and what would it do for me. Let me explain. If I participate in everything the Department wants me to, I will ultimately give four statements: one to FIT, one under oath at the inquest, one to CIRT and one to the Use of Force Board. The way I would participate, I would only have given two statements: one to CIRT and one at the Use of Force Board. Both of these statements are compelled and under *Garrity* protection, which means they cannot be used against me in any criminal proceeding. It is also two fewer statements for some attorney to use against me at a later date when I am being deposed.

As a result of the recent inquests, some people are again calling for changes to the inquest process, just as they did in 2006 and 2007. I believe that these people or groups will not be happy with the process, regardless of what changes are made, until an officer is criminally charged through the inquest process. I do not believe this will ever happen because if an officer commits a crime, the professional men and women at the LVMPD and in the district attorney's office would simply charge that officer with the appropriate crimes and there would be no inquest. One thing that you can count on in this mess is that the PPA will be at every meeting to protect your rights. I hope this article makes you stop and think for just a minute about what you will or won't do if you are involved in a shooting. That is a decision that you should have already made for yourself, as you don't want this to be on your mind at the time of a deadly force incident. That split second in which you are thinking about what you will or won't do during the investigation could be the split second that gets you hurt or, worse yet, killed.

As always, stay safe and fight the good fight.

Note: Subsequent to writing this article, I received a draft of the new investigation practices noted above and attended meetings with our administration, county officials and officers who will be manning the investigation teams noted above. In those meetings, some have tried to assure me that the process will not be the adversarial and controversial nightmare that I am envisioning. I have been urged to reconsider my unwillingness to participate in any part of the process that is not protected by *Garrity*. While I remain skeptical, I am at least willing to wait and see how these investigations actually unfold before I positively take a stance that I will not participate, and you might want to do the same. **VB**

LETTERS REGARDING CORONER'S INQUEST

(continued from page 17)

You may also want to remember that the Police Officers are also voters and have a pretty wide reach when it comes to voters. You may want to consider a few other things to go along with that. If you change this process, and continue to criticize the Police Department, it will have a negative effect on how they operate, thus causing crime rates to sky rocket, (recently the majority of the numbers in crime trends have been down because of the outstanding work they do), and when crime goes up, voter confidence will reflect upon your decision and I will see to that. Officers will second guess themselves at the last second from fear of being hung out to dry by the Department, by you and by the twisted judicial process you are trying to create, and could wind up seriously hurt or killed when they should have justifiably P# 5912 used deadly force. If this ever does happen, and I pray it does not, I will encourage their families to go straight to your offices and hold you responsible.

Now I will give you my truth based upon my perception. You are out to

hang Police Officers out to dry to save your political careers. You are not doing any of this because you care about the community, but because you care about your jobs. If you cared about the community, you would do just the opposite and back your Police Department up. You do not care about anybody but yourselves and you fail to see the bigger picture. If it were not for the Las Vegas Metropolitan Police Department, you would not even have a county to run because it would tear itself apart within a day and you know it. Perhaps you just do not like Police Officers and have personal bias against law and order. I do not know any of you but I am calling it as I see it. Throughout every discussion, I have not heard any one of you say anything positive about what this Department does for the community. Why is this? It appears that none of you will be happy until an Officer is found criminal in a shooting no matter what the facts of the case show. Prove me wrong and do it with facts, not truth.

Sincerely,

A Concerned Citizen **VB**

Would you like to proudly display your support for the Police Protective Association?



Visit the PPA to obtain your bumper sticker.

INSIGHT

On Committees

If a committee is allowed to discuss a bad idea long enough, it will inevitably vote to implement the idea simply because so much work had already been done on it.

— Ken Cruickshank, *Florida Times-Union*, Jacksonville, June 25, 1978

What is a committee? A group of the unwilling, picked from the unfit, to do the unnecessary.

— Richard Harkness (1907–), *New York Herald Tribune*, June 15, 1960

THANK YOU LETTERS

With sincere appreciation and warmest thanks. It is nice to be remembered! I hope all Metro officers can enjoy retirement as I have going on thirty years!

Dale Hoffman

Kathy/Tiffany,

Above is the documentation that I received via inter-company mail of the decision from the CRB on [the complainant's] allegation of complaint.

This is an incident, and one of the first crazy calls that I have been involved in in my short time with Metro, and one that I will not forget due to the circumstances around it. When I received the complaint, I was very concerned due to what were, in my opinion, outrageous allegations and details that were so far from the truth that they bothered me for a while. As a new officer, everyone told me not to worry, but when someone challenges my integrity with outrageous lies, it was hard to do.

My supervisor advised me to get in contact with the LVPPA to get representation, so I did. From day one, with my contact with Tiffany, and her quick responses, as well as my contact with Kathy, I felt like things were going to be ok. I want to thank the both of you for your assistance in this crazy matter, especially preparing the final response. I know that these are "a dime a dozen" for the LVPPA, but for me it was my first CRB complaint and I am glad that the LVPPA represented me. So again **thank you both for your help**, it's good to see that sometimes things work out in our favor!

Regards,
C. Same, 13814



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INSIGHT

People are always blaming their circumstances for what they are. I don't believe in circumstances. The people who get on in this world are the people who get up and look for the circumstances they P# 6824 want, and, if they don't find them, make them.

— George Bernard Shaw (1856 – 1950),
Mrs. Warren's Profession, 1893



John H. Hastings D.D.S.

Attention: Las Vegas Police Protective Association Members!!!

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 Tickets may be purchased in person at the LVPPA office located at 9330 W. Lake Mead Blvd, Suite 200
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ACCEPTABLE METHODS OF PAYMENT ARE CASH OR CHECK.

Credit and Debit cards are NOT accepted. 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.

THEME PARK	TICKET	GATE PRICE	LVPPA PRICE
Knott's Berry Farm	One Day Ticket - Adult	\$52.99	\$29.00
	One Day Ticket - Child (3 and up under 48" tall)	\$22.99	\$21.00
Legoland	Two Day Ticket - Adult	\$80.00 one day ticket	\$52.00
	Two Day Ticket - Child (3-12)	\$68.00 one day ticket	\$52.00
Magic Mountain	One Day Ticket - Adult	\$59.99	\$26.00
	One Day Ticket - Child (under 48")	\$29.99	\$16.00
San Diego Zoo	One Day Ticket - Adult	\$37.00	\$34.00
	One Day Ticket - Child (3-11)	\$27.00	\$25.00
Sea World	Two Day Ticket - Adult	\$69.00 one day ticket	\$58.00
	Two Day Ticket - Child (3-9)	\$59.00 one day ticket	\$51.00
Universal Studios	Three Day Ticket - Adult	\$69.00 one day w/2nd day free	\$59.00
	Three Day Ticket - Under 48"	\$59.00 one day w/2nd day free	\$59.00
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	One Day Ticket - Child (3-11)	\$27.00	\$25.00



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(1) Police Officers and Cardiovascular Disease, Kathy Work, 6 Aug 2007, Police One
 <http://www.policeone.com/healthy-fitness/articles/1298309-Police-officers-and-cardiovascular-disease>
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CALENDAR

2010

- November 1-7** Bylaw ratification vote at the PPA from 6:00 a.m. to 8:00 p.m. each day
- November 7** Daylight Saving Time ends
- November 11** Veterans Day
- November 25** Thanksgiving
- December 2** General Membership Meeting

**The 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.*

INSIGHT

We are living through the closing chapters of the established and traditional way of life. We are in the early beginnings of a struggle to remake our civilization. It is not a good time for politicians. It is a time for prophets and leaders and explorers and inventors and pioneers, and for those who are willing to plant trees for their children to sit under.

— Walter Lippmann (1889 – 1974), "The American Promise," *Newsweek*, October 9, 1967

RETIREMENTS

- 10/13/2010 Christopher K. Schlotter, P# 3492 PO II
- 12/20/2010 Keith J. Blasko, P# 2995 PO II
- 12/22/2010 Troy W. Jones, P# 3788 PO II
- 12/30/2010 Carolynne Beckerle, P# 2873 PO II
- 12/30/2010 Kenton B. Kirk, P# 1720 PO SGT
- 12/30/2010 Darren L. Flatin, P# 3596 PO II

EDITORIAL POLICY

1. Opinions expressed in *LVPPA Vegas Beat* are not those 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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This issue contains **TWO** ways
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Giveaway #1: One **\$250** prize

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Members who find the hidden  in this issue of Vegas Beat and register through www.LVPPA.com will be entered into a drawing for \$250. You must enter by Friday, December 17, 2010, to be considered eligible. Telephone entries will not be accepted. Visit our website for more details.

Giveaway #2: Five **\$50** prizes

2

We've hidden **five personnel numbers** within this issue of Vegas Beat. If your number is among them and you call (702) 384-8692 to let us know that you found it, you'll win **\$50**. If you didn't find your number this time, try again in the next issue where we'll hide five more!

Excludes P#s listed in Retirement and End of Watch sections of Vegas Beat

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- Contract negotiations
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- Retirement considerations
- Hot topics on the job
- Association news
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For so many reasons, it pays to read Vegas Beat.

WHAT WE DO FOR YOU

AUGUST/SEPTEMBER 2010 REPRESENTATION STATISTICS

LABOR MANAGEMENT BOARDS

	Hearing Date	Alleged Violation(s)	Original Discipline	Decision
	8/12/2010	Auto Accident	16 hours	8 hours w/option

PRE-TERMINATION HEARINGS

	Hearing Date	Alleged Violation(s)	Original Discipline	Decision
	8/16/2010	Neglect of Duty	Terminated	Not Terminated
	8/18/2010	Theft	Terminated	
	9/10/2010	Truthfulness; Conduct Unbecoming	Terminated	Resigned
	9/15/2010	Truthfulness; Conduct Unbecoming	Terminated	Pending
	10/14/2010	Conduct Unbecoming; Consorting; Truthfulness; Dissemination; Neglect	Terminated	Pending
	10/20/2010	Truthfulness; Attendance; Malingering; Submitting Application for Leave	Terminated	Pending

ARBITRATIONS

All. Violation Date	Hearing Date	Alleged Violation(s)	Original Discipline	Decision
	7/29/2010	Neglect; Conduct Unbecoming; Truthfulness	Termination	Pending
	9/28-29/10	Felony DV	Termination	Pending

CITIZEN REVIEW BOARD COMPLAINTS

Dismissed	Alt. Recommended	Referred to IAB for Review	Concurred w/ IAB Finding	Pending CRB Decision
0	0	0	0	6

OFFICER INVOLVED SHOOTINGS/USE OF DEADLY FORCE INCIDENTS

Date		Use of Force Board Decision	Inquest Decision	
5/19/2010		Pending	Pending	
6/11/2010		Pending	Justified	
6/15/2010		Justified	N/A	
6/20/2010		Pending	N/A	
7/10/2010		Pending	Justified	
7/15/2010		Pending	N/A	
7/18/2010		Pending	N/A	
8/25/2010		Pending	N/A	
8/27/2010		Pending	Pending	
9/5/2010		Pending	N/A	

INTERNAL AFFAIRS SECTION AND BUREAU LEVEL INTERVIEWS

	Declined/Canceled	Represented	Total	
	90	158	248	

ACCIDENT REVIEW BOARD

	Excusable	Non-Negligent	Negligent	Rescheduled
	1	1	40	3



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