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

VOLUME 7 | ISSUE 5

January/February 2013

OUR NEW YEAR'S WISHES

SEE INSIDE

Collaboration Page 8

Communication Page 10

And a Contract Page 5

WANTED: 100 Policemen with Ringing Ears

Enrollment Dates: Jan. 7th - Feb. 15th

Duration of Study: 10 days

To Participate: (702) 425-5648

If you have ringing ears (tinnitus) when an external sound is not present, you are needed to participate in a special program called the "10-Day Challenge." A recent study by Wichita State University shows a correlation between hearing loss in policemen and frequent gun usage. According to a 2009 study published in *Occupational Medicine*, one out of four police officers exhibit a noise-induced hearing loss and may have tinnitus as a result of occupational noise exposure. The Hearing Aid Specialists at AAA Hearing Aid Clinic are seeking 100 police officers—active or retired—with head noise to evaluate a tiny specialized instrument from Unitron that can be programmed to minimize or reduce the perception of tinnitus.

To take part in this program, you must call (702) 425-5648.



Hearing loss and tinnitus may result from exposure to gunfire, motorcycle helmet wind noise, sirens and radio spikes or screeches.

Consultations will be performed at no charge for qualified law enforcement. Participants will try a new Unitron device for 10 days and rate improvement in their perception of head noise. Call today to take advantage of this opportunity.

New Research Discovers Relief for Many with Tinnitus

For policemen with ringing ears (tinnitus) now comes good news. The results of significant tinnitus research was presented at the 2012 American Academy of Audiology Conference held in Boston, MA. Researchers from renowned universities, medical schools and technology companies presented positive conclusions to work regarding treatment methods of tinnitus. Tinnitus research was presented by professors and clinical staff from: Wichita State University, the University of Miami Ear Institute, the Head & Neck Institute of The Cleveland Clinic, GN ReSound Corp., the Ear Science Institute of Australia, Widex Argentina and others.

One published study by Dr. Richard Tyler, University of Iowa and Dr. Sergei Kochkin of the Better Hearing Institute reported relief among 60 percent of patients from a sampling provided by 230 clinicians using tone-matching audiograms and frequency-matching programmable hearing aids.

Police officers with ringing ears may now be helped by hidden hearing aids with these special capabilities. The AAA Hearing Aid Clinic "10-Day Challenge" is an opportunity for members of local law enforcement to

find out if this Unitron technology will help reduce or eliminate their head noise and improve their hearing. Police officers who wish to keep the instruments may do so with a **50 percent discount off of MSRP**. To participate, call for an appointment. (702) 425-5648

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The Las Vegas Police Protective Association is affiliated with the following organizations at the state and national level:

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

Recent Developments

There have been two recent developments here at LVMPD that I would like to discuss in this article. First, you may be aware that there is a new policy on Incident Reports. The new policy states, "Members are prohibited from incorporating into any portion of an official Department document or report any unauthorized or customized information — including, but not limited to, any form of *Garrity* or other disclaimer." I believe this policy is in direct conflict with an agreement the PPA had previously reached with the Department. Despite this policy, the PPA still believes you are protected under *Garrity* and we have told the Department so in a letter sent to the Sheriff in late November. Part of that letter states:

The new policy, as you are aware, prohibits our members from inserting statements reserving their Garrity rights in any Department document. Additionally, the directive states that officers are not entitled to the Fifth Amendment protections when completing such reports. While we believe that the new policy violates our members' constitutional rights, we have suggested that our members comply with your directive. Please be advised, however, that by obeying your orders, our members are not waiving their Fifth Amendment rights. Our members believe they are

compelled to complete these reports as a condition of their employment. They also believe, justifiably so, that they will be subject to discipline or termination of their employment if they are found to have violated your policy and deemed to be insubordinate.

We continue to have meetings with the Department about this issue. If need be, we are willing to take this matter to court to protect your rights.

The second development is the releasing of the report done by CNA titled "Collaborative Reform Process: A Review of Officer-Involved Shootings in the Las Vegas Metropolitan Police Department." You probably have read the report by now or at least heard about it and its contents. As I said in the press, the PPA has no issue with most of the report; it calls for accountability and training for the most part. I hope that in response to this report the Department will take a look at its training and make efforts to improve it. As for accountability, you have nothing to fear. You, the men and women of this agency, are simply the finest law enforcement officers in the country. You have never ducked the responsibility that comes with the difficult calling you have answered. Being held accountable in my mind means you acted in good faith and believed you were doing the right thing. A few members of the public will always second-guess your actions, but until they have walked in your shoes and made the difficult split-second decisions you make every day they cannot begin to understand what your job is like and what is involved in making the split-second decisions that you make on a regular basis. Unfortunately, their second guessing and Monday-morning quarterbacking of our jobs will continue to happen. As I have said before and no doubt will repeat again sometime in the future, you will always have that very small portion of the public who will never be happy with anything law enforcement does. In any event, we have already had several meetings with the Department about how to implement some of the changes the report calls for. I hope the result will be positive for our officers and for our agency.

The reason I am writing this article is so you can focus on the important issues you confront every day. The single most important thing you should worry about is how to go home safe at the end of your shift. Keep your mind clear and focused on performing the duties of your job. As members, you pay your dues so the PPA can worry about all the other issues for you. If you ever have any questions about these issues or any others, please call the PPA office or contact a member of the Executive Board or your area representative.

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

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INSIGHT

The main idea in golf as in life, I suppose, is to learn to accept what cannot be altered, and to keep on doing one's own reasoned and resolute best whether the prospect be bleak or rosy.

— Bobby Jones (1902-1971)

In "Bobby Jones's Reputation Still Growing" by Jerry Tarde, *New York Times*, April 9, 1990



A Challenging New Year

POLICE OFFICER MARK CHAPARIAN

Assistant Executive Director

The new year has arrived and with it the LVPPA and its membership are facing many challenges. Contract negotiations, lobbying efforts in the 77th Nevada Legislative Session, U.S. Department of Justice reports and recommendations and the Clark County coroner's inquest process are just some of the issues currently being addressed by this Association. These are just the major issues we are dealing with this year, but certainly not the only issues we are tackling.

Our current Collective Bargaining Agreement, which governs your pay and benefits, expires June 30, 2013. We are currently working to negotiate a new contract. We are fighting to secure dollars that we feel should be spent on our officers. We all are painfully aware of how long it has been since we've had a raise; even more painful is our awareness of the amount of times we've been asked to "tighten our belts" and agree to concessions. We believe Metro is in a better financial position than they claim to be; we also believe that the Department's funding sources, Clark County and the City of Las Vegas can and should do a better job of funding our agency to meet the needs. We are well-prepared to negotiate a contract and have assembled a talented team of officers and experts to support our cause. If you have any suggestions that you would like us to consider as we move forward, please email us at suggestions@lvppa.com. As your contract committee chairman, I can assure you that each and every suggestion will be considered and presented to the team for practical application during our negotiation process.

Our lobbying efforts are well under way and we have contracted with R&R Partners to assist us with reaching our goals in Carson City this spring. Kirk Hooten, Director of Governmental Affairs for the LVPPA, is leading our P# 7212 cause this session. Kirk has his hands full as he believes we are fighting to maintain our ability to collectively bargain with Metro, keep our pension benefits as we know them today and keep our Peace Officer Bill of Rights intact. There are many other issues we will be fighting during this session. Kirk is dialed in to the issues and is in contact with those people who can make our desires a reality. We made a wise decision to hire R&R Partners, who has a track record of success.

The Department of Justice (CNA) report compiled and reported recommendations for our Police Department to apply. The Sheriff has indicated that he embraces many of the recommendations thus far and plans to implement them. Additional training, better equipment and clearer policies and procedures are all recommendations we agree with. The perceived threat is "how" the Department is planning on implementing these changes and to what degree. Sergeant-at-Arms Darryl Clodt will be overseeing many of these recommended changes and making sure the LVPPA has a voice before any changes become a reality for our members.

The fight over the coroner's inquest process is dragging on. As of mid-December 2012, we are still waiting for a decision from the 9th Circuit Court of Appeals referencing certain aspects of that process. The Nevada Supreme Court has already recently ruled in our favor concerning the inquest process, concluding that the County Commission's changes violated the State's constitution in that it called for justices of the peace to preside over these inquests. The inquest process was changed a few years ago to resemble an unconstitutional "witch hunt." The LVPPA has successfully kept that process at bay, hence protecting our officers from such nonsense that violated their rights.

We are well-prepared to negotiate a contract and have assembled a talented team of officers and experts to support our cause.

Needless to say, your LVPPA team is driving full steam ahead and gaining momentum! Please never underestimate our appreciation for *your* loyalty, dedication and trust in us. I'd love to see as many of you as possible at our next General Membership Meeting on Thursday, March 7, 2013, at 1700 hours. Stop by, hear what's happening, put a name to a face and ask questions! In the meantime, be safe! **VB**

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Health Care Fraud/Abuse: Is *Your* Health Trust at Risk?

CORRECTIONS OFFICER THOMAS REID

Assistant Executive Director

I recently attended the 58th Annual Conference of the International Foundation of Employee Benefit Plans (IFEBC), along with the other LVMPDEHW trustees. This organization provides up-to-date education and training for trustees that sit on self-insured health, pension or training trusts like ours. Since the inception of the Health Trust in 2001, we have asked each of the trustees to attend IFEBC new trustee training programs and once annually attend a health care conference or the IFEBC annual conference to stay abreast of the latest health care issues and trends.

One of the classes offered was titled "Strategies to Combat Fraud, Waste and Abuse in Health Care." I would like to share some facts that were presented and discuss how, as a wise health care consumer, you can help the Trust and yourself be on the lookout for this growing trend.

Health care fraud is a serious and costly problem. In the U.S., Americans spend \$2.7 trillion annually on health care, which is about 18% of the gross domestic product (GDP). The cost of health care fraud is estimated to be about 3% to 10% of all health care expenditures, which works out to be about \$80 billion to \$250 billion per year!

The most common forms of fraud and abuse are perpetrated by MDs, DOs and hospitals. About 25% are in the form of billing for services not rendered, 35% are misrepresentations of services provided and about 10% are for medically unnecessary services. A recent study of doctors and hospitals that were convicted for fraud or abuse showed these findings:

- Nearly 1 in 3 physicians say it's necessary to "game the health care system" to provide high-quality medical care.
- Declining reimbursements and revenue forced them to "pad" their bill.
- More than 1 in 3 physicians say patients have asked them to deceive third-party payers (like UMR) to help the patient obtain coverage for medical services.
- One in 10 physicians has actually reported fictitious medical conditions or symptoms in order to help the patient secure coverage for treatment.

Consider that health care fraud generates not only financial losses to the patients, the insurance companies and to *your* own Health and Welfare Trust, but also contributes to numerous cases of patient harm. Unnecessary surgeries and their adverse side effects are another unfortunate dark side of health care fraud.

To combat this growing trend, the Patient Protection and Affordable Care Act, commonly referred to as "Obamacare," includes several important reforms that allow the government and private insurers to better detect, investigate and prosecute suspected fraud. It also includes sustainable funding for the Health Care Fraud & Abuse Control program.

The LVMPDEHWT is a self-funded trust that uses a third-party payer (UMR) to receive, screen and pay for your medical services. UMR utilizes several internal controls to look for possible fraud or abuse by medical providers and hospitals. One of the sections inside UMR is called the Special Investigations Unit (SIU). That unit's job is to look at billing/coding trends and frequencies and try to discern abnormal practices a doctor's office or hospital might be using in their billing. The SIU has been responsible for saving the Trust many thousands of dollars over the past several years by identifying billing for services not rendered, services that were medically unnecessary, billing for excessive charges and other coding schemes, etc. SIU's top five states with the most active cases are:

1. Texas
2. Nevada
3. Wisconsin
4. Illinois
5. Indiana

Of the providers in Nevada, about 82% are in the Las Vegas area. At any time, there are about 50 active SIU cases being investigated. To be fair, P# 7226 not all cases result in the finding of fraud or abuse. Some of the cases result in education or counseling about using proper billing procedures and following acceptable medical guidelines for a particular injury or illness to justify the billing codes used.

Here are some things you can do to help keep yourself and the Trust from being a victim of health care fraud/abuse:

1. Try to only use "in network" Beechstreet providers or hospitals.
2. Open all Explanation of Benefits (EOB) correspondence from UMR and review to make sure it has the correct date of service and type of visit you had done.
3. If you had an extended hospital stay, ask the hospital for a detailed bill. Look it over and see if they are possibly billing for something you don't recall having done.
4. If a provider asks for your credit card number to remain "on file," do not provide it as this is a red flag that services provided most likely will not be paid for by insurance.
5. If you know of or suspect any illegal activity concerning claims, contact UMR's anti-fraud unit by calling (800) 356-5803. You do not need to identify yourself.

Together we can help the LVMPDEHWT and UMR make the best use of our claim dollars to pay for legitimate health care needs and services. **VB**

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INSIGHT

Resolve to perform what you ought; perform without fail what you resolve.

— Benjamin Franklin (1706-1790)

Virtue #4 ("Resolution"), 1784, *Autobiography*, 1798



Contact Reports

CORRECTIONS OFFICER SCOTT NICHOLAS

Treasurer

I know most officers feel that getting a negative contact report is the same as getting a written reprimand. The whole idea of walking into the sergeant's office and having him or her hand you a contact report documenting that you have a minor performance issue isn't fun. Just knowing that the event is now memorialized is understandably a little upsetting.

The truth is, a contact report is simply not the same as discipline. We would much rather see a supervisor follow the memorandum of understanding (MOU) signed back in 2002 by the PPA and the LVMPD which states that:

This understanding has been reached by the Las Vegas Metropolitan Police Department, the Police Protective Association and the Police Managers and Supervisors Association. The purpose of this agreement is to document a progress change in performance management as it relates to the removal of oral warnings as a form of discipline. This change is being enacted in conjunction with the implementation of a new performance appraisal system for all employees. Upon adoption of the rule change to Civil Service Rule 520 Disciplinary Measures, the following understanding is enacted within the Managing Employee Performance and Conduct Handbook:

For minor performance or conduct issues, the supervisor or manager will have to show documentation of at least two efforts to correct the problem. This will be evidenced by at least two documented contacts. Having a minimum of two documented counselings for minor issues enables the supervisor to correct issues without resorting to a disciplinary action. This guideline was created because the Department is no longer utilizing oral warnings as a form of discipline. Actions by a supervisor that would have resulted in an oral warning in the past will now be documented as counseling.

This was signed by Doug Spring, the Department's then-Executive Director of Personnel, and Dave Kallas, our former President of LVPPA, on October 21, 2002.

The LVMPD Managing Employee Performance and Conduct Handbook and Guide for Managers and Supervisors clearly states that if a supervisor determines an issue is one that is recurring or is linked to other problems, the supervisor must decide if an action greater than a counseling is warranted. For minor performance issues, the supervisor is required to have at least two documented counseling sessions before moving to a Statement of Complaint (SOC) that may lead to discipline.

So what would be considered a minor performance issue? I will again refer to the Department's own handbook, Managing Employee Performance and Conduct. That document states, "**Minor Suspensions:** If progressive measures such as counseling sessions, and/or written reprimands, have not been fruitful in correcting performance or conduct problems a suspension may be given. Suspension in this case would be part of the progressive process and will range from 8-32 hours." I believe this option is not utilized the way it was intended and that instead, we have way too many supervisors going straight to an SOC and, thus, way too many people going to IAB.

I cannot count how many times I have asked our members who are heading to IAB for an interview if their supervisor ever called them into the office to talk to them prior to filing a Statement of Complaint or gave them a contact report documenting a performance issue. The answer is almost always NO, the supervisor never said a word to the employee in question.

The Department admits that a minor issue can result in a suspension up to 32 hours, so why are so many supervisors generating a Statement of Complaint without the Department asking these basic questions?

1. Is this a minor performance issue? If yes, then:
2. Can you provide two documented attempts to correct their behavior? If not, then why not reject the complaint that was filed until they have met the conditions of the MOU signed in 2002 and the conditions from their own handbook?

I know a lot of officers do not want to receive a negative contact report, but at least this will bring the problem out in the open to be discussed long before the call comes from IAB detectives reading you an admonishment and asking you to come to Headquarters to be interviewed. The nice thing about supervisors following these rules is that you will at least know there is a problem or that your supervisor believes there is a problem, and it gives you an opportunity to correct the problem. This is what I understand was the goal in the first place, which is to correct performance or conduct issues without the imposition of discipline.

One final thing to remember is that if you are given a negative contact report that you believe is incorrect or inaccurate you still have 30 days to write a rebuttal. I strongly urge officers to write rebuttals to correct wrong or misleading information contained in a negative contact report. As always, be safe and thank you for your membership in the LVPPA. **VB**

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It's Not All Fighting with Big Brother, It Just Seems That Way!

KIRK HOOTEN

Director of Governmental Affairs

Recently I ran into an old partner of mine from my days in narcotics who asked me, "Why are we (PPA) always fighting with the Department leadership?" The question was valid, but what occurred to me is that everyone only sees the disagreements and issues that become newsworthy. It isn't juicy news or good press for the media to say, "Metro leadership and the LVPPA had a great meeting today and worked out 12 major issues." You only see or hear P# 8560 the issues we don't agree on because that's what draws people's attention.

Every day, the men and women of the LVMPD and the LVPPA solve problems, confer on policy development, discuss current issues and try to find consensus to provide the best possible conditions and benefits for our members and all employees. This is not awe-inspiring, this is not uplifting, this is not even remotely enjoyable, but it is necessary. So much goes on behind the scenes on a daily basis by those of us tasked with representing our employees. This is so all of you can go out and do your job of protecting our city.

The reality is that we don't always agree with Department leadership, nor they with us. This shouldn't come as a shock to any one of us Type A personalities. Throw one issue in the middle of a briefing room and you will likely have 30 different opinions on what is right and wrong and how to solve it. Compound this effect by 3,000 and you will begin to understand the magnitude of trying to work on the issues of a Department our size. Disagreement is the nature of the business. There are classic differences in opinion in every facet of our lives: Republican or Democrat, Yankees or Red Sox, Cowboys or Giants, white or wheat and the list goes on.

There is a cloud of negativity that seems to surround our relationship with the Department. This is not necessarily the most accurate representation. Yes, we are more than willing to fight vehemently on behalf of our members for the issues we strongly believe in. Yes, we will utilize all resources at our disposal, to include litigation, if we believe that is the right and proper course to defend our members. Yes, we will publicly debate the issues that could jeopardize the rights or working conditions of our officers. However, these are the select few instances where consensus and agreement could not be reached and where we accepted our obligation to stand firm on behalf of our

“Every day, the men and women of the LVMPD and the LVPPA solve problems, confer on policy development, discuss current issues and try to find consensus to provide the best possible conditions and benefits for our members and all employees.”

members. There are hundreds of examples that go unnoticed and never make any notable documentation where we have worked out differences in a calm, professional manner that was acceptable and many times beneficial to all employees. These fly under the radar and are the ho-hum, boring parts of the everyday grind of our Association and LVPMD administration.

The truth is that both sides believe they are acting in the best interest of the employees. We believe that we are a vital part of giving the rank-and-file officers a voice. We believe we are the direct line of communication to Department leadership to provide true and accurate experiences to levels of management who often get watered-down information filtered through multiple levels of CYA. Simply put, we believe we are on the same team trying to provide the best possible working conditions and benefits for our employees. We at the LVPPA just have some different ideas of what that means than the Department brass! We will continue to agree to disagree. **VB**

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Accountability

DETECTIVE DARRYL CLODT

Sergeant-At-Arms

As we begin this new year, I thought I would touch on a concept I think applies to all of us: accountability. This agency would be a better place if we all were more accountable. A formal definition of accountability is “an obligation or willingness to accept responsibility or to account for one’s actions.”

Let’s talk about ourselves first, and then we’ll save the best for last, that being the administration. I think we can all agree if we hold ourselves accountable then we can surely demand the same from our administration. But again, we must first be accountable ourselves. Unfortunately, in my three years as a member of your Executive Board I have observed that it seems that the same things happen to get people in trouble over and over again. I believe if you follow three simple rules, you will not only be able to say you are accountable, you will also avoid problems in the course of your career.

Number one: Give Metro its 10 hours a day for 10 hours of pay. We all know that some days Metro gets its 10 and some days it does not. Some days this is simply because it’s quiet in the city. And after all, that should be the goal and desire of everybody working for this agency. But we all know that these “quiet days” are the days that cancel out the 13- or 14-hour days, or days when all hell breaks loose and your 10 hours seems like 10 days. But when you are accountable and truly deserving of extra compensation for extra time worked, then the Department needs to be as well. So if you are legitimately entitled to put that overtime slip in, you should do so and your sergeant should say thanks for the hard work and not give you any grief for the overtime request. Remember, accountability is an OBLIGATION; it is part of our I CARE values.

Number two: Tell the truth. You would not believe the trouble that is created when an officer colors the truth of something that occurred when all he or she needed to do was tell the truth. While there may have been some discipline involved once the person involved admitted what occurred, it would have fallen short of a termination for a truthfulness violation. As you well know, the Department will hold you accountable when you make a mistake. But if you tell the truth in turn, you can and should expect them to be accountable to you and give the fair amount of discipline. If this does not happen, I can assure you that we here at the PPA will hold them accountable. Remember, accountability is an OBLIGATION.

Number three: Make good choices out in the field. I know this job is difficult, but use all the resources at your disposal, call your fellow officers and ask for help. Next, call your sergeant to seek advice and assistance; that is your supervisor’s job.

Now let’s talk about what the administration should be doing to be accountable to you. One sign that your supervisor is accountable is if he uses the “I” word a lot: I made the decision, I will help you out, I will get you an answer. Alternatively, if your supervisor hides behind others, saying instead it was his choice, or he made me give this to you, this is generally a sign that your supervisor is not accountable.

The ancient Romans had a tradition. Whenever one of their engineers constructed an arch, as the capstone was hoisted into place the engineer assumed accountability for his work in the most profound way possible: He stood under the arch (www.finestquotes.com/select_quote-category-accountability-page-0.htm).

The bottom line is that no organization can grow and prosper until the leaders are willing to step up, take responsibility and be held

“The bottom line is that no organization can grow and prosper until the leaders are willing to step up, take responsibility and be held accountable.”

accountable. Would you be willing to stand under that arch? Would your supervisor? As that begins to happen, it opens up a whole world of possibilities.

As always, stay safe and good luck to all in this new year. VB

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Communication Conduit

RORY NESLUND

Director of Communications

As we come into a new year, I want to take a minute to say thank you to all of you who support the Association and allow us to be your "voice" to the Department and all other entities that we interact with. The word that we carry is usually easy and straightforward, but stand assured, even when the word is not the easy or popular one all the men and women of the Association fight to make it heard!

The Association continues to make the communication conduit better and better as we discover new ways to get the "word" out. Although it is important to get the word out to the membership, it is also just as important for you to have an avenue to get your information back to us. That helps us fight for your rights and spread your "word." There are several ways to keep the communication conduit open and flowing.

One of the ways is the good old word-of-mouth. Please reach out to your area reps and share your comments and concerns with them. I can assure you that there are plenty of reps out there and they have no issue with bringing your issue back to us with the same passion that it was shared with them.

Also, always feel free to reach out to the Executive Board directly anytime if you have an issue that needs a quick or direct answer. I know that everyone who works in the office answers numerous emails and phone calls daily. Please feel free to send any of us an email or pick up the phone and give us a call. All of our email addresses are listed on our website, or you can always call and get them from the office staff.

There are a few ways that we have improved the way that we are doing business more effectively with the electronic age. Many of you have seen the short informational videos that are being sent out on the topics we believe are important to the membership. Although we usually get the topics from whatever the "hot issues" are around the office, we are always open to suggestions on something we may be missing that you would like to be addressed. If you have any thoughts on topics you would like to see or that we are missing, feel free to email me directly or anyone else in the office.

The website is another way that we try to communicate information to the membership P# 7360. We are in the process of updating the site with a new look and some new features for the

The word that we carry is usually easy and straightforward, but stand assured, even when the word is not the easy or popular one all the men and women of the Association fight to make it heard!

members. It is a work in progress and will be up and running soon.

The last and one of the most important avenues we use to communicate to our members is sending emails to your personal email addresses. These addresses are kept in our database and never shared without your permission. We use the addresses for numerous things. We send out electronic messages with links to the videos that are produced, information on deals and discount offers for members, electronic voting information and other beneficial information. This is all sent via those private email addresses. It is VERY IMPORTANT that we have an updated email address for each of our members. Without providing us accurate email addresses, you will miss out on receiving information critical to your job and benefits and your voice will not be heard.

Please take a moment to call and give us your email address or to confirm that we have the proper address on file for you. You can also send an email to office@lvppa.com and include your name and P# in the body of the email. Thanks for your help in keeping the conduit open! **VB**

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DAVID ROGER
General Counsel

Politics or Protection of Your Rights?

By now, you are aware that your legal advisors have recommended that you invoke your constitutional rights, pursuant to *Garrity v. New Jersey*, before you speak with FIT investigators. While most officers have embraced this philosophy, a few question whether they are pawns in a political battle between the Sheriff and the LVPPA leaders.

First, it is important to look back to 2010 to understand the reasons why the LVPPA legal team suggested changes in the way officers interact with investigators during critical incidents.

Clark County Commissioners Demand Changes to the Coroner's Inquest Process

In September 2010, Chairman Rory Reid and Commissioner Steve Sisolak criticized the coroner's inquest system and empanelled a group, including representatives from the ACLU and the NAACP, to recommend changes.

In speaking about the coroner's inquest process, then-Chairman Rory Reid told the *Las Vegas Sun*, "I think it's clear to everyone that it's a kangaroo court and it doesn't do anything to increase public confidence ... and we need to take it to the next step. It's an outrageous process. Trevon Cole and Erik Scott are names that everybody knows."¹

Subsequently, commissioners decided to pay attorneys to represent decedents' family members and cross-examine police officers. However, police officers must pay out of pocket to retain their own legal representatives.

The *Las Vegas Review-Journal* (LVRJ) Publishes a Series of Articles: "Deadly Force: When Las Vegas Police Shoot, and Kill"

In November 2011, the *Review-Journal* published a five-part series about police shootings dating back to the 1990s.² Many officers felt the newspaper was unduly critical of police officers. Others, including many special interest groups, applauded the in-depth review of officer shootings. ACLU representatives demanded that the Department of Justice (DOJ) conduct an independent investigation of LVMPD's critical incidents.

DOJ Community Oriented Policing Services (COPS) Initiates a Review of LVMPD's Use of Force Policies and Procedures

In the wake of the *LVRJ*'s series of articles, which many people felt were critical of LVMPD's handling of critical incidents, Sheriff Gillespie reportedly asked the Department of Justice Community Oriented Policing Services to review the Department's five (5) year history of officer-involved shootings and other matters. The group of experts began their research in February 2012.³

During an interview of Executive Director Chris Collins, one of the COPS experts advised Collins that he believed LVMPD had a history of several "bad" shootings.

Sheriff Gillespie Implements Changes to the Department's Use of Force Policy Recommended by the ACLU

In February 2012, the Department began reviewing its Use of Force Policy. During this process, Sheriff Gillespie met with representatives of the American Civil Liberties Union and received their recommended changes.⁴

As a result, the Department circulated a draft of the new policy that read, "The changes to this policy are a result of recent findings of the Ninth Circuit Court, CIRT reviews, input from various bureaus on the Department, in-depth review of industry standards, as well as recommendations of the ACLU."⁵

Department of Justice Civil Rights Division Chastises the Seattle Police Department for Affording *Garrity* Protections to Officers

In March, 2011, the Department of Justice Civil Rights Division launched an investigation into the policy and practices of the Seattle Police Department (SPD). When investigators learned that SPD provided officers with *Garrity* protections before providing statements concerning use of force investigations and critical incidents, DOJ lawyers fired off a very critical letter to Seattle Mayor Michael McGinn.

Jonathon Smith, Chief of the Special Litigation Section of the U.S. Department of Justice Civil Rights Division, wrote:

Garrity provides important and fundamental protections for police officers, but its protections are limited. Our investigation has shown that SPD attempts to apply Garrity to all use of force and police involved shooting incidents. SPD's inappropriate blanket invocation of Garrity may result in the exclusion of important evidence from an investigation. Moreover, SPD's failure to shield criminal investigators from Garrity materials could taint and render unusable other

(continued on page 18)

1 Joe Schoenmann, "Costco Police Shooting Stirs Interest in Inquest Changes," *Las Vegas Sun*, September 26, 2010, www.lasvegassun.com/news/2010/sep/26/scott-case-stirs-interest-inquest-changes.

2 Lawrence Mower, "Deadly Force: When Las Vegas Police Shoot, and Kill," *Las Vegas Review-Journal*, November 27, 2011, www.lvrj.com/news/deadly-force#part-1.

3 Sheriff Douglas Gillespie, "Sheriff's Message," *Vegas Beat*, May/June 2012, <http://digital.911media.com/issue/91475/13>

4 LVMPD PIO press release, "LVMPD Responds to Recommendations by the ACLU," March 27, 2012, www.lvmpd.com/News/PressReleases/tabid/288/EntryId/147/LVMPD-Response-to-the-ACLU-Suggestions.aspx.


5 GO-xxx-12, Use of Force — Draft #20, May 2012.

Now There Are **500** More Reasons Why It Pays to Read



This issue contains TWO ways to win your share of **\$500 CASH!**

Giveaway #1: One **\$250** prize

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 Thursday, February 7, 2013, to be considered eligible. Telephone entries will not be accepted. Visit our website for more details.

- Contract negotiations
- Benefit changes

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

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!

- Association news
- Upcoming events

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

Cash is great, but our giveaways aren't the only reasons to read Vegas Beat.

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For so many reasons, it pays to read Vegas Beat.

This giveaway is not a drawing and is open to LVPPA members only. You must be 18 or older to win.



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Sheriff's Message

SHERIFF DOUGLAS C. GILLESPIE

Release of the Collaborative Reform Process Report

As many of you know, our agency initiated a process with the Department of Justice Community Oriented Policing Services (COPS) last February. The Las Vegas Metropolitan Police Department agreed to be the first police department in the nation to undergo a groundbreaking process in which the COPS Office would investigate our use of deadly force over a five-year period and report their findings and recommendations. This is significant because it provides a high level of scrutiny, while not incurring the cost and potentially impaired reputation a Civil Rights investigation often inflicts upon a police department.

After eight months of review, the COPS report is complete. I think it is important to relay the course of their investigation that led to their findings. The Office of Internal Oversight was the point of contact for the Center for Naval Analysis (CNA), the contracted team of analysts who led the investigation. CNA was given complete access to all information they requested related to the use of deadly force within LVMPD. Over an eight-month time period, they completed the following:

- Conducted over 100 interviews to include LVMPD employees of all ranks, Police Protective Association, Police Managers and Supervisors Association,

Police Protective Association civilian employee, Clark County district attorney, Clark County coroner and numerous community members.

- Conducted ride-a-longs with both Patrol and the Gang Crimes Unit.
- Observed six Use of Force Review Boards.
- Observed Reality Based Training, Advanced Officer Skills Training, Electronic Control Device Training and the Use of Force Policy Training.
- Had access to five years of data regarding officer-involved shootings, LVMPD policies and procedures governing the use of deadly force and all other data requested by CNA.

The COPS report, appropriately titled "Collaborative Reform Process: A Review of Officer-Involved Shootings in the Las Vegas Metropolitan Police Department," was made public on November 15, 2012. I am certain many of you saw the media coverage regarding the report. Prior to the report being made public, the COPS Office met with our agency in an ACTION forum to discuss the completion of the report. The COPS Office and CNA also met with the heads of PPA, PMSA and PPACE to discuss their concerns. Overall, the feedback on the findings and recommendation from the COPS Office has been positive.

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The easy part of this process was making the request to have the COPS Office and CNA take a look at our use of deadly force. The challenging part for many will be receiving the critical feedback. I prefer that we look at this as a positive way to challenge ourselves as a police organization to get better. All of the recommendations within the purview of LVMPD leadership can be accomplished. The recommendations are realistic, reasonable and, most importantly, they will enhance officer safety. The majority of their recommendations address better training for our officers, better collection of data regarding use of force incidents involving officers and improved transparency with the community we serve.

I want to acknowledge and commend those of you who gave interviews to CNA, took them on ride-a-longs and answered their questions during training courses. Without the candid feedback from all of you, this report would not be critical, comprehensive or timely. I also want to make it clear that I realize how much work we have done as an agency in the past two years. Out of the 75 recommendations made by the COPS Office, LVMPD has already completed 39 of them. We began taking a critical look at our use of deadly force in earnest in 2010. We didn't stop when the request was made to bring in the Department of Justice.

As a result of your hard work, the number of officer-involved shootings is on the decline. I believe this is due, in large part, to our internal reviews of deadly force and subsequent training being incorporated. Our officers are policing safer than ever. Having said that, we still have many areas in which we need to improve. The COPS report highlighted those areas. I have publicly said we will follow the recommendations outlined in the report. The Office of Internal Oversight will oversee the work to be done. The good news is there will be little impact on most of you as we move toward meeting these recommendations.

I encourage you to read the report in its entirety. It can be found on the Intranet and on the OIO SharePoint site. If you have questions or concerns, please reach out to the Office of Internal Oversight. Remember, policing is ever-evolving; the best agencies work diligently to keep current. This report, although critical, is fair and will ensure we police smarter and safer. **VB**

INSIGHT

The more urgent the need for a decision, the less apparent becomes the identity of the decision-maker.

— Murphy's Eighteenth Law

In *Peter's People* by Laurence J. Peter, 1979

EDITORIAL POLICY

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

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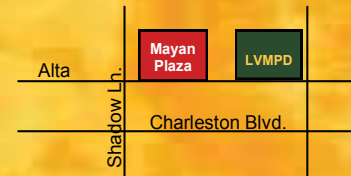
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Thank You, Paul Bigham!

BY CHRIS COLLINS
Executive Director

Paul Bigham has enjoyed a long and diverse career with the LVMPD. Many of you will recall in some of his articles that have appeared in *Vegas Beat* Paul speaking about embracing change and taking the opportunity to try new things with this agency to keep the job fresh and exciting. Well, that is exactly what Paul has done in his career here with Metro. Paul has worked the streets, he has worked as a Detective in Homicide, he has worked in Traffic, he has worked at the Airport — you name it and Paul has tried it. And from what I know of Paul and from what I hear others say about Paul, I know he has been a success in every area of this agency that has had the pleasure of having Paul as part of its team.

We here at the PPA are one of the lucky areas to have had Paul Bigham working with us. In addition to being a member of this Association throughout his career, Paul has served as a member of our elected Board off and on over the past few years. More importantly, he has served as a full-time member of our Executive Board since April 2010, first as Secretary of this Association and then as our Treasurer. And while his contributions in these two areas are greatly appreciated, I think the thing we will all miss most about Paul is our ability to rely on his vast experience in and expertise about so many different areas within this Department that others of us know little about.



Paul's 25-year pin



Paul's Traffic days



Paul's Homicide days



In Washington, D.C., for Police Week

You see, while Paul was happily running around, keeping his career at Metro fresh and exciting, he was also learning a great deal in all these specialized areas he worked. When we finally snagged him here at the PPA, he served as a wealth of knowledge for our Board and our members. His experience in Homicide has helped immensely in our efforts to reshape the coroner's inquest process; his experience in Traffic has helped us assist numerous members facing disciplinary matters related to pursuits, DUIs and the like; his experience at the Airport has helped us understand some of the unique challenges and issues facing officers who are assigned there. The list goes on and on.

If you have ever had the pleasure of working with Paul, or if you have been one of the fortunate ones to have had Paul represent you in some fashion, you will know that perhaps Paul's most notable attributes are his ability to bring a calm to any given situation and his ability to instill confidence in whomever he is dealing with that the matter is under control. As you can imagine, many situations we face here at the PPA are emotional, high-stress situations. Paul's ability to bring calm and confidence to a chaotic situation is something that we will all sorely miss.

(As an aside, some of our golfing foursomes will miss Paul's deadly accurate short game, too!)

PAUL, ON BEHALF OF THE PPA EXECUTIVE BOARD, BOARD OF DIRECTORS, THE PPA OFFICE AND THE MEMBERSHIP OF THE ASSOCIATION, CONGRATULATIONS ON A DISTINGUISHED CAREER AND THANK YOU FOR ALL YOU HAVE DONE OVER THE YEARS. HAPPY RETIREMENT! VB



Paul's Academy class



PAL Golf Tournament



Paul's PPA days

POLITICS OR PROTECTION OF YOUR RIGHTS?

(continued from page 12)

*critical evidence. These practices compromise both the SPD's ability to supervise officers' use of force, and its ability to fully and efficiently conduct criminal and administrative investigations. Put simply: This practice makes it too difficult to quickly exonerate officers who have followed policy and to properly discipline officers who have not. Further, these practices compromise the ability of prosecutors or other outside agencies to adequately assess incidents and to hold officers accountable for their actions. The net effect of these consequences is diminished public trust in SPD.*⁶

DOJ Civil Rights Division's Commitment to Prosecute Officer Misconduct Cases

The Department of Justice Civil Rights Division is the primary group of prosecutors that enforces 18 U.S.C. 242, the criminal Civil Rights statute. In describing DOJ's prosecution of the LAPD officers who beat Rodney King, the website explains, "While this incident received tremendous public attention, it was not unique but rather representative of the numerous incidents of official misconduct regularly reviewed and prosecuted by the Criminal Section."⁷

Newly Appointed District Attorney Steve Wolfson Advises the Sheriff That Prosecutors Will Present Evidence Concerning the Stanley Gibson Shooting to the Grand Jury

On the evening of December 12, 2011, LVMPD officers responded to an officer's call for assistance. The officer had pulled over a vehicle driven by Stanley

Gibson, who was reportedly committing an attempted burglary. As the officer approached the vehicle, Gibson attempted to run over the officer.

An Air Unit responded to assist officers who surrounded the vehicle and were evacuating the adjacent apartment complex. The Air Unit officers reported that Gibson was apparently reaching under the dashboard for an unidentified object. In addition, dispatch reported that Gibson had prior arrests for possession of narcotics, battery with a deadly weapon and resisting arrest by a police officer.

Officers discussed several plans that, at one point, were rejected by supervisors. Officers resumed their tactical positions until SWAT arrived. To compound matters, officers had great difficulty communicating with each other because of the Department's arguably flawed radio system.

Gibson continued to accelerate the vehicle in an attempt to escape. As he did so, the vehicle's engine raced, tires squealed and dust enveloped the air.

At some point, supervisors decided to implement a previously discussed plan to fire a low-lethal round into the driver's side window followed by the deployment of oleoresin capsicum spray. Officers fired a beanbag round into the rear window of the car. However, the officer who was assigned to provide lethal coverage was not informed of the new plans.

When the officer heard what he thought was gunfire, and saw the rear window explode, he believed Gibson was firing at officers and returned fire. Gibson died as a result of the shooting.

In January 2012, the County Commission appointed City Councilman Steve Wolfson as the new District Attorney. Thereafter, Sheriff Gillespie and homicide detectives briefed the appointed DA on the circumstances of the Stanley Gibson incident.

(continued on page 20)

6 Jonathon Smith, DOJ letter to Seattle Mayor Michael McGinn, November 23, 2011, www.justice.gov/crt/about/spl/documents/seattlepd_TA_11-23-11.pdf.

7 United States Department of Justice, Official Misconduct — *U.S. v. Koon, et al.*, www.justice.gov/crt/about/crm/selcases.php.

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THANK YOU LETTERS

Thanks Chris,

For the hard work you and the others are doing on our behalf. I for one greatly appreciate the union looking out for our best interests.

Best regards,

Attila Maczala

LVPPA Executive Director Collins,

Thank you to the entire PPA for the wonderful retirement gifts. The watch will be a keepsake forever, the check will help toward my Lifetime Membership; however, more importantly my gratitude overflows to you guys who fight daily for us.

In my 13 years of service I never needed the PPA or took advantage of the many resources you provide until my last months on the department. It has been a blessing to me and my family to know there are still those who are concerned about the everyday struggles of those who serve. For the catastrophic leave, the legal advice, the helpful staff; again I sincerely THANK YOU.

Jacquelyn Y. Denby

RETIRED P# 6411

RETIREMENTS

11/30/2012 Lisa Peterson, P# 6735	PO II
12/03/2012 Peter Blaschick, P# 3898	PO II
12/11/2012 Daniel M. Siguenza, P# 7128	CO II
12/21/2012 Kerri A. Farley, P# 8241	PO II
12/21/2012 Patrick F. Fielding, P# 3081	PO II
12/21/2012 Allen R. Hanners, P# 4920	PO II
12/21/2012 Jeffrey P. Warner, P# 3613	PO II
12/26/2012 Thomas A. Carpenter, P# 3942	PO II
12/27/2012 Joe Kelley, P# 3716	PO II
12/31/2012 Paul Bigham, P# 3098	PO II
01/02/2013 Michael R. Kruse, P# 3375	PO II

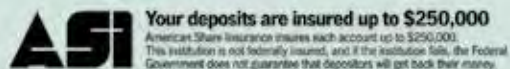
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POLITICS OR PROTECTION OF YOUR RIGHTS?

(continued from page 18)

In late September 2012, DA Wolfson notified the Sheriff that he intends to begin presenting evidence of the shooting to the Clark County grand jury. The grand jury, which has already begun to receive testimony, will decide whether officers will stand trial for criminal charges.

Conclusion

Without question, some people in our community are convinced that our officers use excessive force. Those same individuals P# 10040 will not rest until an officer is convicted of murder.

As your lawyers, we believe it is our ethical obligation to vigorously defend your rights. Our advice is based upon solid legal analysis. Political consequences do not factor into our decision-making process.

We hope this information allays your fears that you are a political pawn. **VB**

CONGRATULATIONS

TO THE CONTEST WINNERS FROM THE LAST ISSUE!

Hidden Symbol Contest (\$250)

Jack Harrah, P# 93

P# Contest (\$50)

Paul Zygmunt, P# 8558

William Carpenter, P#

Markus Fitz, P# 8564

4523

Michele Casper, P# 6549

Christopher Kennedy,
P# 8377



CALENDAR

January 21	Martin Luther King Jr. Day
February 14	Valentine's Day
February 18	Presidents Day
March 7, 1700 hours	General Membership Meeting*

**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.*

Discount Theme Park Tickets

Tickets may be purchased in person at the LVPPA office located at 9330 W. Lake Mead Blvd, Suite 200 during normal business hours (M - F 7:30a - 5p).

ACCEPTABLE METHODS OF PAYMENT ARE CASH, CHECK, CREDIT/DEBIT (Visa/Mastercard only).

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	\$59.99	\$34.00
	One Day Ticket - Junior (3-11)/Senior (62+)	\$30.99	\$25.00
	2 and under Free		
Legoland	Two Day Ticket - Legoland Only - Adult/Child (3-12)	Adult - \$98.00/Child - \$88.00	\$62.00
	Two Day Ticket - Legoland Hopper - Adult/Child (3-12) (Legoland, Sea Life, Water Park)	Adult - \$110.00/Child - \$100.00	\$71.00
	2 and under Free		
Magic Mountain	One Day Ticket - Adult/Child	\$64.99	\$36.00
San Diego Zoo	One Day Ticket - Adult	\$42.00	\$37.50
	One Day Ticket - Child (3-11)	\$32.00	\$29.00
	2 and under Free		
Sea World	One Day Ticket - Adult/Child (3-9)	\$73.00/\$65.00 one day ticket	\$51.00
	2 and under Free		
Universal Studios	One Day w/2 Days free Ticket — Adult/Child under 48"	\$80.00 one day	\$69.00
	2 and under Free		
Wild Animal Park	One Day Ticket - Adult	\$42.00	\$37.50
	One Day Ticket - Child (3-11)	\$32.00	\$29.00
	2 and under Free		

EFFECTIVE JANUARY 1, 2013

WHAT WE DO FOR YOU

OCTOBER/NOVEMBER 2012 REPRESENTATION STATISTICS

LABOR MANAGEMENT BOARDS

Hearing Date	Alleged Violation(s)	Original Discipline	Decision
10/11/2012	Safe Driving	8-Hours w/o Option	8 Hours w/ Option
11/8/2012	Conduct Unbecoming	40 Hours	40 Hours; 20 w/ Option; 10 Held in Abeyance
11/8/2012	Conduct Unbecoming	8 Hours	Written Reprimand

PRE-TERMINATION HEARINGS

Hearing Date	Alleged Violation(s)	Original Discipline	Decision
8/30/2012	Recommendation for Termination	Recommendation for Termination	Termination
11/14/2012	Neglect of Duty and Truthfulness	Recommendation for Termination	Not Terminated
11/19/2012	Neglect of Duty and Truthfulness	Recommendation for Termination	Not Terminated

ARBITRATIONS

Hearing Date	Alleged Violation(s)	Original Discipline	Decision
8/29-30/2012	Conduct Unbecoming	Termination	Reinstated; No Discipline
10/10/2012	Conduct Unbecoming; Fraternalization Prohibited; Association w/ Persons of Ill Repute; Truthfulness	Termination	Termination Upheld
10/22-23/2012	Obedience and Insubordination; Informants and Associated Fund Management; Outside Employment; Conduct Unbecoming; Truthfulness	Termination	Termination Upheld

CITIZEN REVIEW BOARD COMPLAINTS

Dismissed	Alt. Recommended	Referred to IAB for Review	Concurred w/ IAB Finding	Pending CRB Decision
0	0		0	2

OFFICER INVOLVED SHOOTINGS/USE OF DEADLY FORCE INCIDENTS

Date	Use of Force Board Decision	Inquest Decision
8/27/2010	Justified	Pending
11/15/2010	Justified	Pending
11/15/2010	Justified	Pending
2/15/2011	Justified	Pending
2/23/2011	Justified	Pending
3/8/2011	Justified	Pending
4/3/2011	Justified	Pending
4/12/2011	Justified	Pending
4/19/2011	Justified	Pending
5/27/2011	Justified	Pending
7/5/2011	Justified	Pending
7/14/2011	Justified	Pending
9/9/2011	Justified	Pending
11/21/2011	Justified	Pending
12/12/2011	Pending	Pending
1/17/2012	Pending	Pending
1/21/2012	Pending	Pending
1/24/2012	Pending	Pending
2/1/2012	Administrative Approval	Pending
3/16/2012	Justified	Pending
4/6/2012	Administrative Disapproval	N/A
4/21/2012	Pending	Pending

(continued on page 22)

WHAT WE DO FOR YOU

(continued from page 21)

5/14/2012		Pending	Pending	
7/2/2012		Pending	Pending	
7/17/2012		Administrative Approval	N/A	
7/23/2012		Pending	Pending	
8/2/2012		Pending	Pending	
8/18/2012		Pending	Pending	
9/7/2012		Pending	Pending	
9/19/2012		Pending	N/A	
10/29/2012		Pending	Pending	
11/2/2012		Pending	Pending	
11/4/2012		Pending	Pending	
11/11/2012		Pending	N/A	

INTERNAL AFFAIRS SECTION AND BUREAU LEVEL INTERVIEWS

	Declined	Represented	Total	
	15	99	114	

ACCIDENT REVIEW BOARD

Unk	Excusable	Non-Negligent	Negligent	Rescheduled
	1	3	16	

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