

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

VOLUME 8 | ISSUE 2 | July/August 2013

TOP COPS 2013 CRIMINAL APPREHENSION TEAM

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"THE WICKED FLEE WHEN NO MAN PURSUETH:
BUT THE RIGHTEOUS ARE AS BOLD AS A LION."

PROVERBS 28:1



WHY DO I HEAR... BUT NOT UNDERSTAND?

Study by Cambridge University in England Reveals Key Answer



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Information and offers provided exclusively for members of the Las Vegas Police Protection Agency. Promotions end August 23, 2013. Call to schedule an appointment at the AAA Hearing Aid Clinic nearest you today: 8870 S Maryland Pkwy, Suite 100 or 8430 W Lake Mead Blvd, Suite 134.



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

Las Vegas Police Protective Association Metro, Inc.

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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

Should Your Friends and Family Go to an I.A. Interview?

Almost 30 years ago when I started here at Metro, the chance of being in a shooting or going to Internal Affairs was a lot less than it is today. The job of being a police officer has gotten much more dangerous and the likelihood of being in a shooting or a deadly force incident has increased greatly.

As a result, those of you who have hired on in the past few years can almost count on at least one trip (if not more) to Internal Affairs during the course of your career. Lots of the people you arrest will make a complaint against you, thinking it will help them in court or just to make trouble for you. Citizens you make contact with who are having a bad day may make a complaint against you just so you can share in their misery. Some of these even stem from what you do off duty, as some people may just feel the need, for whatever reason, to make a complaint against you. And then there is the complaint I just cannot understand — an officer making a complaint against another officer.

Oftentimes during an investigation, especially one that stems from an off-duty incident, your family and/or friends may be contacted by I.A. to come in and give a statement. If this happens in your case, don't get mad

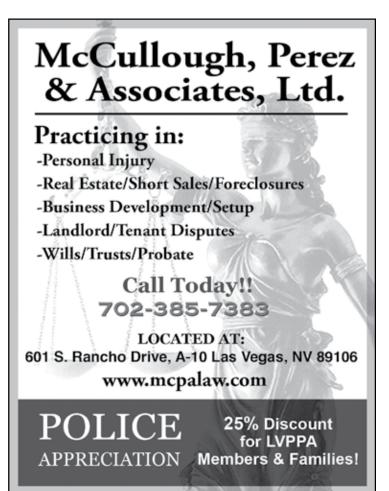
at the detectives assigned to I.A.; after all, they have a job to do. But also understand that if your family member or your friend is not an employee of the Department, they have no obligation to comply with the request from I.A. to give a statement of any kind.

You may wonder how this can be avoided, given the fact that you are not allowed to talk to them about the complaint after you have been admonished. The answer is the PPA can handle this for you. If you are involved in an incident that involves your family and/or friends that you believe is going to result in an I.A. complaint, as always, I urge you to contact the PPA and let us know. If you provide us contact information for those people who may likely be called in as potential witnesses, we can reach out to them. Alternatively, assuming a family member or friend reaches out to you and says they have been contacted by I.A. and asked to come in and make a statement, don't attempt to talk to them about the complaint, as this could lead to more trouble for you. Simply advise them that you are working with the PPA and that you will have a PPA representative contact them.

When we make contact with them we will explain to them the several options they have. First, they can simply refuse to give any statement to I.A. altogether. I believe this is the best option P# 7914 unless, without a doubt, their statement is going to clear you. The next best option would be for them to give a statement but to take a PPA representative with them. Depending on the I.A. detective this may or may not be allowed, but if they want the statement and that is the condition on getting it, I.A. will likely allow us to be there. The last — and perhaps worst — option is for the family or friend to go down alone and make a statement. Family members and friends who don't work for Metro simply don't understand all our policies and how the Department works. They do not understand the discipline that might come out of what to them seems to be nothing whatsoever.

It is a shame it has come to this but, again, let's not be mad at the detectives or supervisors who work in Internal Affairs, as they are just trying to do an investigation and they don't hand down the discipline: they simply gather the facts. So remember: Your family and friends who don't work for Metro do not have an obligation to participate in an internal investigation, and it may be in your best interest that they do not.

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







That's Why!

POLICE OFFICER MARK CHAPARIAN

Assistant Executive Director

Reflecting back on the last few years, I've heard increasing criticism and ridicule from some of Metro's leadership concerning the position the LVPPA has taken toward the Department on its latest adverse and controversial policies, procedures and operational strangling of its members. Some of those leaders have openly questioned the loyalty and direction of your Association. I understand there will always be differences of opinion, but the next time you hear anyone from inside our Department bashing the defensive stance and proactive measures taken by *your* Association in order to protect *you*, ask them some of these tough questions:

- Why does this Department teach and train tactics that they don't support as acceptable practices when it's inconvenient for them?
- Why does this Department create hearing panels that force an officer to participate and feel like they are answering to an inquisition or third-world tribunal?
- Why does this Department not fully embrace NRS 289 each and every time it is applicable?
- Why does this Department not embrace a philosophy of "discovery of evidence" prior to interviews based on alleged misconduct?
- Why does this Department consistently make it difficult to understand the use of force policy and how it is to be applied?
- Why does this Department refrain from making public statements in support of its officers during a time of crisis?
- Why does this Department foster better relationships with outside organizations than with its very own people to solve problems?
- Why does this Department create the perception of a double standard in regard to conduct and performance of its supervisors versus subordinates?
- Why does this Department fail to support officers in workers' compensation issues, instead requiring them to jump through hoops and red tape just to get healed?
- Why does this Department fail to step up and properly fund a health plan for its members without a struggle?
- Why does this Department continually hassle and make it difficult for our members to take vacation, call in sick or use a professional day?
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- Why does this Department habitually provide substandard equipment and tools for our officers?
- Why does this Department charge family members to attend a ceremony honoring its heroes?
- Why does this Department fail to secure funding for contractual obligations concerning salary and benefits?
- Why does it appear that this Department attempts to skirt the contractual and legal processes it helped develop and is legally bound to abide by?

Obviously this list could on and on. Feel free to use your imagination for issues closer to your heart that I may have missed. Unfortunately, some folks who have successfully tested or been appointed to higher positions have forgotten (or really never understood) what your Association is all about. It's all of our jobs to help educate them, especially if they stand before you spewing propaganda without merit. Better yet, ask those who criticize your Association what they are doing to improve the working conditions at Metro. I'll leave you with one more thought to ponder. If the *people* of Metro *are* the Department, and the Association exists to aid and assist the *people*, doesn't that make your Association more pro-Metro than any other one person or entity? *We don't talk the talk, we walk the walk!* VB







Gone but Not Forgotten

CORRECTIONS OFFICER THOMAS REID

Assistant Executive Director

Heroes Remembered From the Past, Present and Future

Each May 13 since 1988, a candlelight vigil has been held in honor of the law enforcement community to commemorate National Police Week. At this ceremony, thousands of uniformed officers, family survivors and friends pay special tribute to officers from across the nation who have given their lives in the performance of their duties.

On this 25th year of the candlelight vigil, 23,000 gatherers helped dedicate the addition of 321 law enforcement officers' names who have died in the line of duty to the National Law Enforcement Memorial in Washington, D.C. — 120 who died in 2012 and 201 who are prior-year fatalities.

In his opening remarks on an unusually cold evening, Craig Floyd, Executive Director of the National Law Enforcement Memorial Fund (NLEOMF),

recounted the death of John Stout, a U.S Customs Service officer. Customs Inspector Stout was fatally shot as he attempted to arrest the notorious pirate Jean Lafitte and his crew outside of New Orleans, La., for smuggling. What makes this story unique is that this event took place in the year 1814!

As anyone can imagine, in the early years of our nation there was not a central repository of names, dates and circumstances of law enforcement officer's deaths. The NLEOMF has the mission to generate increased public support for the law enforcement profession P# 8254 by permanently recording and appropriately commemorating the service of law enforcement officers. One way this is accomplished is through the NLEOMF research section. These "detectives" gather information by various means and do extensive research to determine if an officer was killed in the line of duty. This research, especially in old cases, can sometimes take months or years to develop, but in the end these lost heroes are given the recognition they deserve by memorializing their names on the National Law Enforcement Memorial wall.

This year Nevada added one active officer and six prior-year officers' names to the memorial wall. Since the first recorded Nevada Territory Law enforcement officer's death in 1861 (Nevada was admitted to statehood in 1864), Nevada has had 97 officers' names etched on the wall. Here are this year's names and the circumstances of their deaths:

Tracy A. Hardin, Corrections Officer, Nevada Department of Corrections

EOW: January 20, 2012

Circumstances: On December 29, 2011, Corrections Officer Hardin was attacked by an inmate at the High Desert State Prison and suffered a broken fibula. On January 20, 2013, Officer Hardin collapsed and died after completing his shift due to injuries he suffered during the earlier attack. His death was ruled a homicide.

Denny V. Lawrence, Deputy, Elko County Sheriff's Office

EOW: January 17, 2012

Circumstances: On January 17, 2012, Deputy Sheriff Lawrence died as a result of a gunshot wound he sustained 30 years earlier on June 26, 1982. In 1982, Deputy Lawrence was questioning a suspect about a car accident when the suspect suddenly produced a gun and shot Lawrence in the head. Lawrence underwent brain surgery and was forced to medically retire. The suspect was shot and killed by an individual who witnessed the shooting.

Glenn L. Barnes, Lieutenant Deputy, Washoe County Sheriff's Office

EOW: March 19, 1991

Circumstances: Lieutenant Deputy Barnes suffered a heart attack after completing a mandatory departmental physical maintenance





test. Lieutenant Barnes was transported to the hospital, where he was pronounced dead.

Vernon B. Carvin, Police Officer, Carson City Police Department EOW: October 31, 1949

Circumstances: Police Officer Carvin collapsed and died of a heart attack as he and another officer arrested a combative suspect. As Officer Carvin attempted to place the suspect in a jail cell, the suspect kicked him in the chest. Officer Carvin collapsed and was pronounced dead at the scene.

Ernest E. Campbell, City Marshal Motor Officer, Ely, Nevada EOW: December 19, 1926

Circumstances: City Marshal Campbell died after he struck his head on December 11, 1926 while attempting to avoid an accident. A driver struck a wood plank sidewalk which sent a large piece of wood airborne. The wood struck Campbell in the face and he fell and struck his head on an iron crosspiece. Marshal Campbell was hospitalized and lapsed into a coma. He did not awaken and died one week later.

John J. Monaghan, Deputy Sheriff, Lincoln County Sheriff's Office EOW: June 20, 1906

Circumstances: Deputy Sheriff Monaghan was shot by rioting train riders as he attempted to restore order. The incident began when the train broke in

INSIGHT

Under each of the National Law Enforcement Officers Memorial's four lion statues are inspiring quotes that capture the spirit of the heroic men and women who are honored there. Here is one: "In valor there is hope."

—Tacitus

two, which startled and then angered the passengers. The crowd attacked the railroad personnel and drove them from their posts. Deputy Monaghan was summoned and, upon attempting to restore order, was shot by the rioters. Three suspects were arrested.

George Rogers, Sheriff, Lincoln County Sheriff's Office EOW: March 1, 1866

Circumstances: Sheriff Rogers was ambushed and fatally shot when he went to a settlement to collect payments owed to the county. His horse and personal items were stolen. A suspect was captured days later by a posse and he was lynched.

The memorial wall now contains the names of 19,981 fallen law enforcement officers — from all 50 states; the District of Columbia; U.S. territories; and federal, corrections, railroad and military police agencies — who have died in the performance of their duties throughout U.S. history, dating back to the first known officer's death in 1791. VB

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LEAF: the Law Enforcement Assistance Fund

POLICE OFFICER MIKE RAMIREZ

Secretary

The Las Vegas Police Protective Association established the LVPPA Charities organization in 2008. As most of you know, the organization was created to help the families of law enforcement members who were killed in the line of duty. For five years, the organization has been able to reach out to the families of fallen Metropolitan police officers, deputy city marshals and municipal court marshals to help offset the loss of income. This 501(c)(3), not-for-profit organization offers financial assistance including, but not limited to: help with holiday and birthday gifts for the children of the deceased; college tuition assistance for both children and spouses; and emergency cash for immediate needs following the death, such as travel/lodging expenses for the extended family.

Recently, a name change of the organization was implemented. The primary reason for the name change was confusion. Feedback indicated that our members associated the LVPPA and LVPPA Charities as one and the same, and did not understand where their donations were going. The new name is the Law Enforcement Assistance Fund (LEAF), which more clearly describes what the charity is. Although the organization has a new name and a new logo, the cause and efforts remain the same.

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The organization was created in honor of 14 fallen officers who ended their watch prior to 2008. Since established, we have had four additional officers killed in the line of duty. With our program in place, we are proud to be able to offer assistance to the families of Officers Manor, Leach and Nettleton. With so many untimely deaths, we feel fortunate that this organization was established in time to be able to help our fellow officers' families.

Many of you may be familiar with the concept but not necessarily clear on how the organization is funded. The funds come from a number of sources, including payroll deductions of LVPPA members, private donations, proceeds from the LVPPA store, fundraising events (such as the Peacekeepers' Kids 5Ks that were held in 2010 and 2011) and monthly donations from the LVPPA. The organization relies on these donations in order to keep the program alive. The simplest way a member can donate is through an automatic payroll deduction. The deduction form can be found on the website at **www.lvppacharities.org**. For those of you already donating by way of a payroll deduction, please note that the name change noted above has now been placed on the payroll deduction form, so your paycheck may look a little different but the charity is the same. Any donation amount is appreciated but literally, if each officer donated only \$1 per pay period or increased their donation by \$1, this would generate an additional \$62,000 per year towards the program, based on 2,400 officers. The hope is to be able to offer additional assistance to the families already benefiting from our program and also be prepared for other unforeseen tragedies.

An untimely death is life altering for the children and spouses of a fallen officer. Every little bit counts toward preparing these families to move forward in their lives. For those of you already donating, we appreciate your generosity. For those of you yet to make such a small sacrifice, please consider how you would feel if it was your own family struggling to move forward. Please take some time to visit the website for more information and to explore ways to help. VB

INSIGHT

Under each of the National Law Enforcement Officers Memorial's four lion statues are inspiring quotes that capture the spirit of the heroic men and women who are honored there. Here is one: "It is not how these officers died that made them heroes, it is how they lived."

—Vivian Eney Cross, survivor



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The Big 50

CORRECTIONS OFFICER SCOTT NICHOLAS

Treasurer

The Big 50! I'm not referring to my next birthday, but the training seminar I attended at Harvard Law School earlier this year. The Big 50 is an annual meeting of employee association leaders from the 50 largest police departments in the United States and Canada. The training is to better prepare union/association board members so they can fight for you and keep everyone informed regarding trends across the country.

The first of three days was mostly spent on introductions and the sharing of horror stories from other departments. Contract negotiations, pay cuts, layoffs, health and welfare costs, and pension reform were just a few of the hot topics.

We quickly learned that politicians across the country are coming after public employee pensions. Politicians want your money, and they are fighting hard to get it. Almost every person in the room talked about the battle to keep your money safe and your benefits intact. It appears politicians would rather see a 401(k) type system instead of a defined benefit as we have now. A few cities were even walking away from their obligation to pay pensions.

Surprisingly enough, we didn't hear too much chatter about layoffs. It seems

that most of the departments are in a similar situation as we are, with minimum staffing and no room left to lay off police.

Pay cuts seem to be a thing of the past, with most jurisdictions already past the toughest years. Some agencies are even seeing some recovery and many departments are negotiating COLAs. Health and welfare could take up the entire article, but the bottom line is that costs are going up and in order to keep employee coverage the same, and not place significant cost increases on the employees, unions are making it a top priority to negotiate larger contributions from their respective departments.

NRS 288, our collective bargaining statute, is also under attack, as was the case with other agencies represented at the Big 50. There was a lot of conversation regarding our right to collectively bargain and have a seat at the table when it comes time to deciding how much our officers are paid and what benefits they are entitled to.

It is important to know that the LVPPA is fighting hard to protect you in the disputes surrounding all of these issues and to stay on top of any new trends that would change your pension or any of your other benefits. Thank you for your membership and be safe. VB





2013 Police Union Leadership Seminar Harvard Law School/Labor and Worklife Program





Thoughts for the Month

DETECTIVE KIRK HOOTEN

Director of Governmental Affairs

As I sat down to write my article for this month's magazine, I endeavored to write something positive and reflective of how good things are in our agency at the current time. The following is what I came up with:



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TOP COPS: What Does It Take to Be the Best?

DETECTIVE DARRYL CLODT

Sergeant-At-Arms

National Police Week is held every year in May. It is a time to remember those who have given so much to their chosen profession as law enforcement officers. It is a time to remember those who have been taken from us, and those who have faced the devil and been victorious.

Every year we at the PPA strive to make sure that the deserving men and women of this agency are recognized in our nation's capital for their heroic acts in the performance of their duties. I have had the privilege to both attend these events in D.C., and to actually live and work there while working for the Department. I would encourage all of you to make a point, at some time in your career, to make the trip out to D.C. to attend the events in honor of National Police Week. It is truly remarkable.

As many of you know, our agency has, once again, had some of our own earn the right to be called TOP COPS. Several of them are mentioned in this issue for their heroic acts. To all of them, thank you for all you have given to make this agency what it is. We should all seek them out, thank them, talk to them and see what remarkable people we have working here day in and day out.

What makes a TOP COP, such as these fine officers? Well, I'm sure we all have our own ideas. First, I believe they are born with talent and courage. When you hear the story of what these officers encountered on February 1, 2012, I think you may agree that the bravery and courage displayed by these men and women are not simply taught skills. You are born with these traits, period. Who other than one with such courage, knowing that a man has killed another person by hacking them to pieces and then buried them in a shallow grave, would run after them to capture them to keep our streets safe? And who other than one with such courage P# 1780 would, on top of being shot while trying to apprehend this suspect, continue the fight until it ended? That is a TOP COP. Just to put this in perspective, in Nevada, we have about 50 different law enforcement agencies totaling approximately 10,000 officers. In New York City alone there are about 40,000 rank-and-file officers. Add to it all the other officers around this country, then know our recognized officers were one scenario out of only ten nationwide to receive such recognition, and you'll understand why it is pretty darned hard to be called a TOP COP.

As you can see, it is truly an honor to be recognized as a TOP COP and a darned hard one to earn. I have heard it said that the only national monument in Washington, D.C., that will never be completed is the National Law

RETIREMENTS

| 05/22/2013 Linda K. Williams, P# 4509 | PO II |
|---|-------|
| 06/02/2013 Thomas E. Martin II, P# 9343 | PO II |
| 06/20/2013 Richard G. Williams Jr., P# 5760 | CO II |
| 06/21/2013 Scott M. Cagnina, P# 3904 | CO II |
| 06/21/2013 Debbie D. Garinger, P# 4497 | PO II |
| 06/21/2013 Theodore E. Wylupski, P# 3754 | CO II |
| 08/01/2013 Jeffrey Rosgen, P# 4512 | PO II |
| 09/06/2012 Jason S. Cooper, P# 3595 | PO II |

Enforcement Officers Memorial. This is because, sadly, they have to add new names to it every year.

While the officers recognized this year are certainly heroic and courageous, it made me wonder whether our officers know about all the other TOP COP recipients who have come from our agency over the years. I dare say many of you may not. Sadder yet, I am not sure that the administration knows those recognized in the past for such courage and valor. Nor have they lent a hand in sponsoring these officers and their families to attend this great event. But I'll bet the administration knows the names of the last five people they terminated from this job, not to mention the amount of money they spent on that!

Regardless, these TOP COPS, both this year's recipients and those from the past, are the best of the best in my book. We here at the PPA honor you and thank you for what you do.

We all need to remember why we started in this profession. We should come together every May to honor and recognize the accomplishments of the men and women of this agency. Then we can take the next 11 months to do the job we have made into our careers and just maybe — with good training, luck and the inborn traits we may see in other fellow officers from the Las Vegas Metro Police Department — earn the title TOP COP. Until next time, **stay alert and stay alive**. **VB**

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The "CAT" Gets Its Prey

DETECTIVE RORY NESLUND

Director of Communications

February 1, 2012, would quickly change the lives of several members of LVMPD and their counterparts on the Las Vegas area's Criminal Apprehension Team (CAT). The team consists of detectives and a sergeant from LVMPD, special agents of the FBI and a Henderson Police Department detective. CAT was contacted to locate and arrest a violent murder suspect who had committed a murder earlier in the day. As the Nextels chirped through the calmness of the members' homes, on a moment's notice they were all gearing up and responding to do the task they are regularly called upon to do: catch violent criminals! The team was briefed by the homicide detectives and set out to hunt down the prey. The night ended in an ever-changing event with a detective critically shot and a murderer dead on the street.

The National Association of Police Organizations (NAPO) wrote the following account of that night's incident:

Last February members of the Las Vegas area's Criminal Apprehension Team (CAT) set out to catch a killer. A disturbed ex-con named Jason Baires had just committed a grisly murder with a machete, and the CAT needed to nab him. Fast.

These experienced cops knew that when you're dealing with a desperate murderer, plenty of unexpected things can happen, and probably will. That sure turned out to be the case when they went after Baires.

When the team arrived at the suspect's girlfriend's house, where he had reportedly been spotted, they noticed a figure crouched inside an SUV parked outside. The officers positioned their vehicles into a "pinch" formation to block the vehicle. As they closed in, Baires jumped out and started to run.

Detectives Theobald and Rowlett, and Special Agent Coxon engaged in foot pursuit, while Stansbury and Faller followed in their cars. That was when Faller noticed Baires's gun.

Knowing a suspect is armed is an instant game changer. Faller aimed his truck at Baires and advanced. The pickup hit Baires and pinned his left arm under the front tire. Baires, with his pistol in his right hand, kept firing at the officers. One of his bullets struck Theobald who, along with Detective Rowlett, returned fire.

Seconds crawled by like hours as the gun battle raged. But when the shooting stopped, the criminal lay face down on the sidewalk. His career in crime was over forever.



The CAT members immediately turned their attention to their wounded brother. Special Agents Hendricks and McInnes carried Theobald to the back seat of a police cruiser and kept pressure on his wound while the car sped him to the hospital.

Every member of the CAT team worked in perfect coordination, and a potentially disastrous situation ended with only one officer injured...and one vicious murderer who will never kill again. When TOP COPS like these have their mettle tested, they do themselves proud.

(The above narrative was presented at the 20th Annual 2013 National Association of Police Organizations TOP COPS Awards.)

The CAT team was nominated for TOP COPS earlier in the year, along with many other heroic officers involved in equally horrific situations from across the country. The selection process for a TOP COP recognition consists of awarding each state with one honorable mention from all the submissions received from within that state. Then, through committee review and evaluation, there are 10 TOP COP award recipients selected from all the honorable mentions from around the country. The CAT team was selected from the nominations to be honored to receive one of those ten top awards.

The award events encompass a ton of lifetime experiences that the average person would never have the opportunity to be part of. The experience started with a trip to Washington, D.C., as the first part of this special and honorable process. The first day in D.C. included a visit to the White House. President Obama invited each TOP COP winner to a personal meeting. This is an amazing experience, allowing the TOP COP recipients to meet with the President in the East Wing of the White House. In past years, the TOP COPS and the President then would come out to the Rose Garden and address the



families and invited guests of the TOP COPS with a speech and photos. This year was a little different. The skies over D.C. were ominous and a down-pour was threatening. Instead of canceling the event, the President invited everyone into the East Wing in an area that is usually reserved for heads of states and other dignitaries. The President and TOP COPS then entered the room where the President gave a thankful speech about the TOP COPS and law enforcement in general across the United States. When the speech was completed, there was some time to take photos and enjoy a very rare experience in the White House.

The following night was the actual awards ceremony and dinner for the TOP COPS event. The ceremony included a cocktail party with the recipients and their families and friends. The event then moved into a huge banquet



room, which started with a great presentation by a bagpipe group that, as you can imagine, set the tone for the upcoming event. Scanning the room, there were some very familiar faces from the big screen, television and professional sports. Some of these faces included: Jeremy Ratchford from the hit series "Cold Case," Vincent D'Onofrio from "Law and Order," Steve Zirnkilton (the voice of "Law and Order") and many more. These great people were there as presenters of the awards. The presentations began with a narrative of each story of the TOP COPS' heroic acts that had put them in this honorable position. As the stories were told there were outbursts of claps and laughter, along with moments of tears and silence. To say the least, the experience is something that cannot be put into words. Each group is called to the stage to accept their award. Some of the recipients take a second to say a few candid words about the events surrounding their award. It is very humbling hearing what these men and women do every day to keep the men, women and children of this country safe. The night ends with a young boy in a police uniform under a spotlight saluting the crowd, the iconic ending of the ceremony.

It is an honor to be part of this agency, and partners with all the men and women who have this type of courage, and the drive to do the ultimate every day without a second thought.

CRIMINAL APPREHENSION TEAM

Las Vegas Metropolitan Police Department Detective Eric G. Collins Detective Thomas Faller Detective Richard A. Hart Detective Craig Lilienthal Detective Troy E. Radke Detective Greg S. Theobald Detective Linda Theobald Sergeant David Stansbury

City of Henderson Police Department Detective David Rowlett

Federal Bureau of Investigation
Special Agent Daniel G. Coxon
Special Agent T. Scott Hendricks III
Special Agent Christopher D. McInnes

The LVPPA would like to take another opportunity to echo the appreciation of the President, NAPO, and all who played a part in recognizing them as TOP COPS. A special thank you to all the members of the CAT team, and especially to the members of LVMPD and the LVPPA, for doing a heroic job!

For more on the events, please see the following links:

President's speech: http://wh.gov/JmZj

LVMPD YouTube reenactment:

http://www.youtube.com/watch?v=MjlK3twlVr8 VB



** HONORED ***

DETECTIVE GREG THEOBALD

On February 1, 2013 at 0200 hours, a horrific set of circumstance unfolded that would change my life forever. These events had a negative impact as well as a positive impact not only on my life, but the lives of my team members. Let me explain.

On that particular night I was assigned to the LVMPD/CAT team, (CAT is an acronym for the Criminal Apprehension Team). This federal task force is comprised of seven LVMPD detectives: Detective Troy Radke; Detective Craig Lilienthal; Detective Linda Theobald; Detective Thomas Faller; Detective Eric Collins; Detective Richard Hart; me, Detective Greg Theobald; Sergeant Dave Stansbury; Henderson Police Detective Dave Rowlett; and FBI Special Agents Scott Hendricks, Chris McInnes and Dan Coxon.

We had just finished a 24-hour, no-sleep caper where we had located and captured a murder suspect, and I was about to crawl in bed when the BlackBerry Push to Talk sounded off. I wanted to throw it out the window but I didn't. It was Sergeant Stansbury advising the entire team that we were being called out on a murder suspect, Jason Baires, who had just murdered his mother's boyfriend a few hours prior.

The team arrived in the area of Jones and Lake Mead at approximately 0045 hours. It wasn't long after that the FBI guys had a possible location of Baires' whereabouts. Special Agent McInnes advised the team that the subject was in a vehicle with a female and was hinked up and driving away.

Somehow I fell in right behind the suspect vehicle and it was obvious they were tail checking. We conducted a pinch maneuver on the suspect vehicle and Baires bailed on foot. I was positioned directly in front of their vehicle and saw Baires turn back toward the other detectives with a gun in his hand. He didn't shoot and began running. I gave chase with Detective Rowlett and Special Agent Coxon not far behind. Detective Faller noticed that Baires had pointed the gun at us again, so he struck the suspect with his unmarked truck at Michael Way and Carmen, pinning Baires' arm under the front right tire.

I thought, "There is no way he still has the gun after that hit." I was about to find out how wrong I was. I was merely feet from Baires as he cussed a couple of times and I approached cautiously with my firearm at the low ready. Baires turned immediately and all I could see was the gun and his teeth gritting with white foam coming from his mouth. It was so fast, I heard the shot as I was bringing my gun up and I returned fire almost at the same time. I felt pain on my left side just above the belt line. Baires curled up after I shot him, but he came right back up with that same look and I knew it was coming again. I took a step back and that was when I realized that I was shot because I had no frame under me. I collapsed like a rag doll.

I was now lying on the ground merely five feet away and face to face with Baires. He lifted his firearm again and shot at my face. I knew all I could do was defend myself and I wasn't going to let him just kill me without taking him with me. I began shooting and screaming at the same time.

Detective Rowlett did exactly as he was trained and climbed over the top of me knowing that I was shot and down. He and I both began to engage Baires with our firearms. I soon ran out of ammo and I felt doomed. I was thankful Detective Rowlett was there for me. Detective Faller knew he had the drop on Baires and came from behind and shot Baires twice through the back of his skull, the shots exiting his neck. The assault was now over.

Reality set in; I now had a clear understanding of a different type of battle I was facing. I was actually shot, and it wasn't just a graze. I couldn't understand why this was happening to me. Shock set in and I was shaking uncontrollably. Special Agents Hendricks and McInnes immediately came to my aid. We train a lot and this type of incident is something we take very seriously. They checked me for exit wounds and I was yelling at McInnes to get his finger out of my wound all the time knowing exactly what he was doing, stuffing gauze in an attempt to slow the bleeding.

This was the time that I realized I might possibly die. I was having chest pains, I was in shock and I was bleeding badly. They threw me in a patrol unit and started for University Medical Center. While the officer driving that patrol car drove with everything he had, Special Agents Hendricks and McInnes asked me if I wanted a prayer. All I could think about was how I let my children down. I always promised them, "Don't worry, Daddy will always come home to you." That's when I told Hendricks and McInnes that I would like the prayer. After Hendricks said a blessing for me, I felt this calmness come over me. I can't explain it, but I was at peace now and strangely enough, I was okay with dying if it came to that.

Well, obviously I didn't die, but Jason Baires did leave me a little souvenir that is still lodged just below my pelvic bone next to my spine, with several fragments around the sciatic nerve. He left me something to always remember him by: nerve damage that will be there the rest of my life. I get reminded of him every morning when I get up, numerous times throughout the day on surveillance, walking, sitting and after working out. The bullet can't be removed and will always be there. The fragments, however, can work themselves out over a time frame of six to seven years.

I was out for approximately six months. Five of those months I worked my tail off learning to walk properly again.

In March 2013 I was notified by Detective Rory Neslund, a former CAT member and now with the PPA, that all the CAT members and I were nominated

for the TOP COP awards in Washington, D.C., for the Baires shooting. The entire team played a crucial role in that event and in my wellbeing. I will never forget getting mad at Craig Lilienthal and Linda because they refused to leave my side when I was in the hospital. So many people came to visit me and finally Craig and Linda closed the door to the room, knowing that I needed time to figure out what the hell had just happened to me. Not to mention that I hadn't had sleep for 30-something hours. For that matter, neither had they. Every CAT member played an important role that night and I appreciate each and every one of them.

On or around May 9, the entire Criminal Apprehension Team arrived in Washington, D.C., for a full weekend of events. The first appointment was the White House to meet the President of



United States of America. When we passed through the Secret Service checkpoints and entered the White House, I had to stop and take it all in. I couldn't believe that we were in the White House. They gave us a special tour, to places that they don't usually let people go. Everything, from the pictures on the wall of past presidents to the grounds outside, was beautiful.

We eventually found ourselves in the dining room, awaiting the President's arrival. We mingled with the other TOP COP awardees from all around the nation while we waited. I was reminded of the brotherhood and the camaraderie that still exists between cops. These cops were the most humble, down-to-earth cops I have ever met. When President Obama arrived, he took the time to say some encouraging words to us and went around the room while each of us introduced ourselves to him and told him where we were from.

The media presentation was to take place in the famous Rose Garden on the grounds of the White House but the weather didn't want to cooperate. The President elected to hold the event inside. We were brought into a room that was filled with our families, friends, special guests P# 8869 and cameras from all the major news networks. The President gave a heartfelt speech and took photos with us. The entire team was elated and humbled by the opportunity we had just experienced.

The next day we were invited to meet with Senator Harry Reid at the Capitol building. He spoke with us, taking the time to congratulate us and take photos. We were invited to meet with Senator Joe Heck, also at the Capitol building, where he had some encouraging words and offered a thorough tour of the Capitol. Next we were off to see all the sights that Washington, D.C., had to offer. We went to Arlington, taking in as much as we could, especially the changing of the guard. We then made sure to get into the Holocaust Museum, Lincoln Memorial, Smithsonian Museums and numerous other attractions in D.C.

Finally, the next day the TOP COPS ceremony was to take place at the Omni Shoreham Hotel, where we were all put up by NAPO (National Association of Police Organizations), which is the force behind the TOP COPS ceremony each year. As we arrived we were greeted by numerous fellow TOP COPS and their family members and friends. There were several of our union members and a representative from our Department as well. There were hundreds of people in



attendance for the evening event.

When the doors were opened to the ballroom I immediately noticed the enormous stage with two huge video monitors on each side. NAPO spared no expense for this event. Each table was elegant and the food was great. Shortly after dinner and dessert, the ceremony began. The various speakers were television actors and famous athletes.

This is when I realized the type of cops we were categorized with. As the speakers began giving a brief synopsis of each TOP COP incident, at times showing videos of their stories, I heard horrific reenactments of their events and I realized that we were in a room with true heroes. Some of these guys lived through some deadly, violent assaults that I couldn't even fathom. I almost felt embarrassed stepping on the stage to receive a TOP COPS award. When it came time for our story, they showed a video which had been put together by

(continued on page 21)

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LVMPD's Use of Force Policy: Is There Still a Fleeing Felon Rule?

DAVID ROGERGeneral Counsel

Recently, we were asked to address the following hypothetical. While many officers may be reluctant to use deadly force in a similar situation, I believe the Department's use of force policy allows for such a response. Here is our analysis.

According to the hypothetical you provided, an officer observes a convenience store clerk wearing bloody clothes, chasing a male who grabs the waistband of his pants as he flees. The clerk announces, "He just shot me." As the officer pursues the suspect, he recognizes that the suspect is running towards a casino entrance.

You have asked whether the officer would be justified in using deadly force to apprehend the suspect.

The analysis of whether an officer's use of deadly force to arrest a fleeing felon is legal begins with NRS 171.1455:

NRS 171.1455 Use of deadly force to effect arrest: limitations. If necessary to prevent escape, an officer may, after giving a warning, if feasible, use deadly force to effect the arrest of a person only if there is probable cause to believe that the person:

- 1. Has committed a felony which involves the infliction or threat of serious bodily harm or the use of deadly force; or
- Poses a threat of serious bodily harm to the officer or to others.

Thus, an officer may use deadly force to arrest a suspect if the officer has probable cause to believe the suspect committed a felony involving the infliction or threat of serious bodily harm. Similarly, the officer may use deadly force when the suspect commits a felony with the use of deadly force.

Alternatively, an officer may use deadly force when the officer has probable cause to believe the suspect poses a threat of serious bodily harm to the officer or others.

The above-referenced statute was enacted in 1993 to codify the U.S. Supreme Court decision in *Tennessee v. Garner*, 471 U.S. 1, 11-12, 105 S.Ct. 1964, 1701 (1985). $^{\rm 1}$

The Court, while defining the limitations of the fleeing felon rule, explained:

Where the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force. Thus, if the suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if, where feasible, some warning has been given.

Similarly, the federal courts will look at the factors set forth in *Graham v. Connor*, 490 U.S. 386, 109 S.Ct. 1865 (1989) when analyzing whether an officer has used excessive force. The Ninth Circuit Court of Appeals, in *Blanford v. Sacramento County*, 406 F.3d 1110, 1115 (9th Cir. 2005) explained:

All claims of excessive force, whether deadly or not, are analyzed under the objective reasonableness standard of the Fourth Amendment as enunciated in Graham and Garner. "Determining whether the force used to effect a particular seizure is reasonable under the Fourth Amendment requires a careful balancing of the nature and quality of the intrusion on the individual's Fourth Amendment interests against the countervailing governmental interests at stake." (Citation and internal quotation marks omitted). This balancing test entails consideration of the totality of the facts and circumstances in the particular case, including "the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight." Garner articulates a more particularized version of the Fourth Amendment's objective reasonableness analysis for assessing the reasonableness of deadly force. The Court explained that while it is unreasonable to apprehend an unarmed, non-dangerous suspect by killing him, an officer's use of deadly force to prevent escape satisfies Fourth Amendment standards "[w]here the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others." (Citation omitted.)

Based upon the facts of your hypothetical, the officer would be justified in using deadly force to apprehend the suspect. First, the officer had probable cause (PC) to believe that the suspect had just committed a felony resulting in serious bodily harm. Depending on the severity of the injuries, the officer had PC to believe that the suspect committed attempted murder with a deadly weapon or battery with a deadly weapon. Likewise, under the statute, the officer had PC to believe the suspect committed a crime with deadly force.

Additionally, the officer would be justified in using deadly force to arrest the suspect because he had PC to believe that the suspect posed a threat of serious bodily harm to himself and the casino patrons. According to the scenario you provided, the clerk told the officer that the suspect had shot him and the officer had reason to believe the suspect was still armed, as the suspect held onto the waistband of his pants. The officer had sufficient facts to believe that the suspect was armed and dangerous.

I hope this article helps with your training and discussion. VB

¹ State v. Weddell, 118 Nev. 206, 43 P.3d 987 (2002)



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Sheriff's Message

SHERIFF DOUGLAS C. GILLESPIE

Cameras

Policing in the 21st century requires police agencies to constantly reevaluate and evolve to remain effective, which can be quite a challenge for an organization. Keeping up with the rate of technological change in recent years has forced significant change in the way we operate. Technologies that we routinely utilize today were not a consideration just a few years ago, and we as a police agency have to constantly stay current with ongoing technological developments and how they can benefit operational effectiveness. Cameras are a part of an evolution in technology that I feel is here to stay, and will be an integral part of law enforcement into the future.

Camera and video technology is everywhere in our day-to-day lives. Go into any store, casino or public area and chances are you are on some type of video. With the proliferation of smart phones and their ability to record events visually, video can be taken instantly almost anywhere we go. When it comes to law enforcement, officers are continually being videotaped on almost any call they go on where they are in the public and, especially, when taking any type of action.

It is vital that we embrace camera technology and how it can enhance the service we provide to the community. We simply can't ignore the potential cameras offer to our profession. We must be objective in our thinking regarding their use and potential benefits. Up until this point, our department has not used camera technology in our vehicles or on our officers. With that said, in February of 2012, I called together a committee to test and evaluate the use of on-body and in-car cameras for this agency.

Law enforcement use of cameras is not a new idea. Police departments have utilized in-car video for a number of years with a great deal of success. For many departments, the in-car camera system has been a valuable tool to confirm and ensure a high degree of officer professionalism. The ability to record video footage of events involving the public from the dash of a patrol vehicle has proven to be invaluable during such activities as: routine traffic stops, criminal investigations, arrest situations, and many other intended and unintended incidents.

The camera system technology has been constantly improving,

becoming more compact with more useable applications. On-body cameras have become an increasing popular choice for departments, due in part to their mobility and lower cost compared to the in-car camera systems on the market. LVMPD, along with departments around the country, are currently testing, evaluating and implementing the use of on-body cameras. Our agency tested several different on-body cameras, utilizing volunteer patrol officers, and received positive feedback as a result

The benefits are numerous: better documentation of evidence during crimes and calls for service; documentation of interactions between police and the public; documentation of all forms of police conduct and actions; and improved citizen and officer behavior. Body cameras allow officers the ability to capture an entire encounter, instead of just bits and pieces that a bystander might capture with their phone. This presents us with the opportunity to provide a more complete record and provide a context to a police encounter that you won't see in videos that might appear on YouTube. The greatest value of the camera systems is that of being a silent witness. The recording is able to provide a visual account of an incident and help bring clarity to what the officer perceived during an incident or citizen interaction. The video camera records the truth. This should be a win-win for the officers and citizens, along with increasing transparency and providing a more comprehensive record of facts.

With all of the predicted benefits, on-body camera technology presents some significant challenges. The primary issue is that associated costs can become extremely large. With a large agency such as the LVMPD, there can be up to 700 officers assigned to patrol on a given day. If each officer were to film one hour of video per day, the cost of storing 700 hours of video per day could quickly add up to a substantial amount, which could overwhelm an ever-shrinking operating budget. Most video retention times vary from 90 days to one year. Storing 700 hours of video per day for one year becomes extremely costly and presents a huge storage challenge. That does not consider video that will be attached with court cases, complaints, etc., which will need to be maintained for an even longer period until the case, complaint, etc. is settled. We are currently exploring alternative means of funding (grant funding) to address the costs associated with any purchase of equipment in the event we decide to move forward with the implementation of a system.

Other important considerations are that the laws regarding privacy issues and cameras are not fully established. In this case, the technology has outpaced the laws and it may be some time before a few court cases establish a more standardized practice for their use.

My point in all of this is that the use of on-body cameras is potentially the wave of the future P# 9903 in law enforcement. I believe, as do a number of police leaders, that soon cameras will be routine standard equipment for uniformed police officers in just about every agency across the country. It is only a matter of time until the public will associate a mobile camera as part of a police officer's uniform, just as they expect to see a gun or a Taser. There are challenges to overcome before that will become the standard, but I am committed to their testing and eventual implementation to improve our Department, and to be accountable to the concerns of our community. Quite simply, cameras make sense in our environment today. VB



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Congratulations to \$50 winner Jessica Rogers, pictured here with Assistant Executive Director Thomas Reid.

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THANK YOU LETTERS

LVPPA,

Thank you so much for the beautiful floral arrangement for my husband, Jerry Quinn. Your kindness truly touched our hearts.

The Quinn and Ruesch Family

LVPPA,

Real quick, I just wanted to say that your recent article on Use of Force was really well done! It seemed extremely well researched, and is undoubtedly one of the best pieces I've read on the subject. I can only hope some "higher ups" read it, too!

Anyway, just wanted to say "great job"!

Member

Dear LVPPA.

We would like to take this time to thank you for your kind generosity that you have given to Colors of Lupus Nevada. Because of them and your support as well, our family is getting through this life-changing process. As you may recall on my previous email, in December of 2012 our only daughter, 16-year-old Ana, was diagnosed with Lupus and Lupus nephritis. This took us by surprise because she had never had any medical issues prior to this. She was active in sports, playing softball and enjoying life to her fullest. Now, she no longer plays sports but focuses on her health, making sure she takes her 16 pills daily that we know will cause long-term damage because currently there is no right medicine for this deadly disease.

Since her diagnosis she's had numerous blood work, visits to E.R., her doctors and has had to miss school due to her illness. Having said that, all our focus and attention was on her health. We must say that she has improved since then. Nevertheless it is a cruel disease that we are all fighting... As you can see, it has not been easy for us since last December.

Again, thank you for your support and it is truly an honor to be part of an amazing organization such as LVPPA. May God continue to bless you all so you may continue to help families such as ours.

Member



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September 2 Labor Day

September 5 General Membership Meeting*

1700 hours at the PPA

* 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.

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- 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.

HONORED

(continued from page 15)

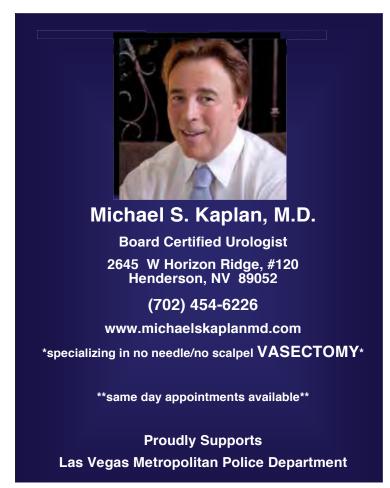
the LVMPD's Public Information Office, which I had no clue was going to be shown. It was an interview of me recalling the events of that dreadful night. After the video, the crowd was on their feet as the speaker called us to the stage and we were each presented a TOP COP trophy and various gifts. We had numerous pictures taken and then we were back at our seats.

As I was sitting at the table, it started to sink in just how lucky we were to be chosen for this prestigious event. I was approached by many ranking personnel from other jurisdictions, as well as other cops who congratulated me and told me they were glad that we were nominated and that I lived through the ordeal.

I have to say thanks to the Las Vegas Police Protective Association, Chris Collins, Rory Neslund and all others involved for nominating the Criminal Apprehension task force for this prestigious award. I got shot that night, but the team worked in unison, stayed calm and took care of business. I owe my life to Detective Rowlett for the selfless act of positioning himself in harm's way to protect a downed officer. We were literally five feet from Baires' gunfire when he executed this heroic act. I have to thank Detective Faller for finally ending the gun battle by placing his shots in a manner that stopped the threat immediately. The lifesaving tactics performed by Special Agents Scott Hendricks and Chris McInnes that night undoubtedly saved my life. The three of us will always share a special bond due to what occurred. Thank you again, Scott and Chris.

Lastly, I would like to say thanks to the entire NAPO organization. They pulled out all the stops for this one and we were treated like royalty. Thanks for a lifetime of memories. On behalf of my squad and myself, I would like to say thank you again for the humbling experience and the TOP COPS award.

I've been asked by several people if I would like to be nominated for another TOP COPS award and I had to reply "NO" — because if you have been nominated as a TOP COP awardee, you were probably fighting for your life at some point. VB



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Giveaway #1: One \$250 prize

Members who find the hidden in this issue of Vegas Beat and register through will be entered into a drawing for \$250. You must enter by Thursday, August 15, 2013, to be considered eligible. Telephone entries will not be accepted. Visit our website for more details.

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!

- Contract negotiations
- Benefit changes

- 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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| Magic Mountain | One Day Ticket - Adult/Child | \$64.99 | | \$36.00 |
| San Diego Zoo | One Day Ticket - Adult | \$42.00 | | \$39.25 |
| | One Day Ticket - Child (3-11) | \$32.00 | | \$29.00 |
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| Sea World | Two Day Ticket - Adult/Child (3-9) | \$73.00/\$65.00 o | ne day ticket | \$61.00 |
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| | | | | |
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