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

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

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NAPO – National Association of Police Organizations, representing nearly 220,000 police officer members in 4,000 police associations nationwide.

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SNCOPS – Southern Nevada Conference of Police and Sheriffs



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Executive Director's Message

DETECTIVE CHRIS COLLINS, EXECUTIVE DIRECTOR

A Different Look at More Cops: The Funded Vacancies

In the last issue of *Vegas Beat*, I gave you a brief history of the More Cops legislation. In this article I am writing about a subject that hits much closer to home: funded vacancies on our Department.

Over the past several years, our Department has received funding for police officer positions that were never filled. I have talked to several people within the Department and elected officials in an attempt to find out why these positions were funded but never filled. I was told by the Department that they did not fill the positions because they did not want to be forced to lay off officers. I must say this made sense to me until I talked to the elected officials, who said they would be very hard-pressed to vote to lay off officers as the crime rate was climbing. These answers to my questions really made me start to wonder *what exactly* was going on with these funded but vacant positions.

Then, while sitting at my desk and letting my mind wander through the problem, I came to a conclusion that I hope is not true, but the events that have taken place with the More Cops legislation make it impossible to ignore. The Department was unable to get the other half of the .5% increase in sales tax approved by the voters in 2004 because the Department had grown to the promised two cops per 1,000 permanent residents of Clark County. If you stop hiring cops that number goes down, and we all know with fewer cops on the street crime is going to go up. So when the 2013 legislative session comes around, Metro has a manpower crisis and the legislators approve the .15% increase in the sales tax. In my mind this raises the question: Was the manpower shortage created so our Department would be successful in getting the sales tax raised and receiving those funds? I don't know the answer to that question, but I do know we had funded vacancies.

I am going to provide you with the number of funded vacancies over the past several years. I believe it is important for you to know that these numbers are not from Chris Collins or the PPA; these numbers come right off the LVMPD website and budget reports.

- In fiscal year 2008-2009, the Department was authorized 2,978 commissioned positions but actually had 2,647 filled commission positions, for a difference of minus 331 commissioned positions. On June 30, 2009, as the fiscal year ended, there were still 2,978 authorized positions. The good news is that we hired 146 commissioned personnel that year, so we ended with 2,793 filled commissioned positions; the bad news is that still left vacant 185 authorized commissioned positions.
- In fiscal year 2009-2010, the Department was authorized 2,981 commissioned positions but actually had 2,809 filled commission positions, for a difference of minus 172 commissioned positions. On June 30, 2010, as the fiscal year ended, there were still 2,981 authorized commissioned positions. However, we only had 2,737 filled commissioned positions, leaving vacant 244 authorized commissioned positions.
- In fiscal year 2010-2011, the Department was authorized 2,890 commissioned positions but actually had 2,737 filled commissioned positions, for a difference of minus 153 commissioned positions. On June 30, 2011, as the fiscal year ended, there were still 2,890 authorized commissioned positions. However, we only had 2,686 filled commissioned positions, leaving vacant 204 authorized commissioned positions.
- In fiscal year 2011-2012, the Department was authorized 2,743 commissioned positions but actually had 2,686 filled commissioned

positions, for a difference of minus 57 commissioned positions. On June 30, 2012, as the fiscal year ended, there were still 2,743 authorized commissioned positions. However, we only had 2,603 filled commissioned positions, leaving vacant 140 authorized commissioned positions.

- In fiscal year 2012-2013, the Department was authorized 2,743 commissioned positions but actually had 2,603 filled commissioned positions, for a difference of minus 140 commissioned positions. On June 30, 2013, as the fiscal year ended, there were still 2,743 authorized commissioned positions. However, there were only 2,483 filled commissioned positions, leaving 260 authorized vacant commissioned positions.
- In fiscal year 2013-2014, the Department was authorized 2,555 commissioned positions but actually had 2,483 filled commissioned positions, for a difference of minus 72 commissioned positions. This fiscal year is nowhere near its end, but as of November 25, 2013, the Department had 106 funded P# 8720 but vacant authorized commissioned positions. Let's not forget that as of that date there were 38 recruits in the academy. If all 38 graduate and make it through field training, the vacant but funded positions will decrease by 38 and then go up by the number of retirees who are not replaced.

I wrote this article so that the next time you're sitting in briefing, whether a patrol briefing or a some other briefing, and you notice how short of officers we are, I hope you will ask yourself: Are we working with fewer cops than we need because the elected officials won't pass the More Cops tax, or are we working with fewer cops than we need because the Department made the decision to leave funded positions vacant? Either way, your job has been made more dangerous because of a critical manpower shortage that you had nothing to do with.

As always, stay safe and fight the good fight, and now more than ever, take care of each other. **VB**

RETIREMENTS

11/27/2013	Sandrine Arizmendi, P# 7334	CO II
12/04/2013	Douglas Brazda, P# 6354	PO II
12/26/2013	John N. Phillips P# 3632	PO II
12/27/2013	Craig Olson, P# 3960	PO II
12/30/2013	Jason Hahn, P# 3371	PO II
12/31/2013	Tommy Nelson Jr., P# 5304	CO II
01/03/2014	Cora Flanigan, P# 3510	PO II
01/06/2014	Robert J. Montes, P# 2617	PO II



The Sands of Time

POLICE OFFICER MARK CHAPARIAN

Assistant Executive Director

You can fight it. You can resist it. You can even deny its existence, but it arrives and surrounds you. You cannot stop it. Eventually, you must accept it, embrace it and look for the good in it. What is this mysterious thing I speak of? It's no mystery at all; it's simply *change*. Yes, change! The opposite of stagnation. Change is sometimes difficult to deal with if it doesn't conform to what your expectations were. Alternatively, change is often anxiously anticipated and celebrated as it arrives. Regardless of the position you decide to take when change shows up at your front door, you're stuck with it.

There have been many changes to the Las Vegas Metropolitan Police Department since I began my career here some 23 years ago. I was hired under Sheriff John Moran. We had three substations for patrol, and the detective bureau, motors and command staff worked out of the old City Hall at Stewart and Las Vegas Boulevard. Patrol officers had a firearm, pepper spray, PR24 and an old shotgun that we kept tucked next to the car seat on the floorboard. My salary was about \$27,000 a year back then. I had a full head of hair, too! As you're well aware, things have certainly changed!

As we fast-forward to 2014, we can obviously see and feel many of the changes that have occurred within our Department. Some of those changes are good, some not so much. Most of the changes that occurred in our Department came from within and not from outside people or entities. Our Department continues to push us to look for ways to improve our ability to enforce the laws of the land, make people feel secure in their homes and respect the rights of all people. We at the LVPPA continue to look for ways to improve quality-of-life issues for our members like increased salary, pension, benefits and working conditions.

This year, in particular, is showing a lot of potential for change. The current Sheriff has decided not to seek another term and therefore has opened a floodgate of prospective candidates who may run for that position. Good or bad, this will result in a huge change for our Department. Much of the command staff has already and will continue to change as this year draws to an end. This causes major changes within our Department. Body cameras are making their big debut this year as they roll out from a

"test period" to actual use in the field. This year sees yet another contract negotiation as our current contract expires at the end of June 2014. As you all know, the Affordable Care Act (Obamacare) has rolled out and we are all struggling with this work of art. The actual financial, administrative and practical impact this program will have on our group is still not truly known. This year we will also be preparing for the long, enduring battle of the 2015 Nevada legislative session. Many very important battles are fought on your behalf during that time and have a very near and direct impact upon your livelihood.

Keep in mind, one year from today this police department will look and feel very different. Are you ready for change? Are you part of the solution to help effect positive change? I believe we are about to experience a positive, uplifting change here at Metro. It's all about perspective, isn't it? Regardless, put on your seat belt and brace yourself as we blaze through this year together, always holding our heads up high and proud. I'll leave you with one of my favorite quotes from the brilliant Charles Darwin, "*It is not the strongest or the most intelligent who will survive but those who can best manage change.*" **VB**

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Guard and Reserve Members: Avoiding Potential Job Conflict

CORRECTIONS OFFICER THOMAS REID

Director

The LVPPA continues to receive calls from officers and their supervisors concerning military duty. This article will attempt to provide information that can help you and your supervisor navigate through some issues that often arise.

Most military duty conflicts can be avoided by being candid with your supervisor about your obligations as a member of the National Guard or Reserve components. Don't take Metro's support for granted. Keep your chain informed about your military duty dates and what you do for your unit. Below is a summary of advice on how to keep your supervisor on your side.

Talk to Your Supervisor

No matter what your military assignment or specialty, tell your employer about it. Many officers here hold Guard or Reserve jobs that are directly related to their employment at Metro. Even if what you do in the military is not related, sharing your job duties can show your commitment to this nation and our community. You are using your spare time to participate in a second career and it shows you are capable of handling serious responsibility.

Federal Law

Not all Guard or Reserve members and their employers have a clear understanding about employment or reemployment rights for Reserve component members. Federal law guarantees the right to take time off work to attend to your military responsibilities. The more you, your boss, human resources and payroll know about the federal law and legal precedents that spell out employment rights, rules and obligations protected by the laws, the less chance there is for misunderstanding. Basically, the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) provides that an employer must give you time off to perform military service and re-employ you as if you never had left your job. This includes bringing you back to your shift and RDOs you had prior to leaving for military duty. This protection applies to employees who are full-time, part-time or in a probationary status. The details of USERRA can be found at www.esgr.mil.

Drill Schedules

Prior to September 11, 2001, Reserve drill schedules were fairly consistent and drilling units would not change drill dates once the annual drill schedule was

published. Times have changed and units have had to become more flexible and agile with their drill dates. Don't make your boss guess when you have drill. You must give advance notice to your employer. Some units have changing missions and the normal weekend drill schedule changes several times throughout the year. Asking your unit to help you keep your boss informed of your drilling dates is reasonable and the full-time unit cadre should be happy to help you. The LVPPA CBA addresses specific information on military leave in Article 11.1.

Annual Training Schedules

The same rule applies for Annual Training (AT). Most units schedule these ATs months in advance — that is the time to provide notification to your employer. A change in orders can be more easily handled than an unplanned absence. If you are going on the advance party or staying on for the rear party, or if your AT exceeds the traditional two weeks, make sure your supervisor knows about it well in advance.

Extra Training

When you or your unit need additional training, or you are scheduled to attend a service school, let the boss know about it. Giving employers the maximum lead time enables them to make plans to accommodate your absence. This can range from short active-duty tours to support exercises or work on special projects. Remember, too, that these types of duties will likely count toward the five-year time limit, after which you no longer have the USERRA re-employment rights with your employer. Some employers continue to allow these rights, but it's not required.

Emergency/Contingency Duty

Many Reserve component members have served on active duty in support of operations in Afghanistan and the Horn of Africa as part of the continued war on terror. When you have been activated involuntarily for a particular mission, your period of service will not count against the cumulative five-year limit established by USERRA. In most cases, voluntary duty will also be exempt from the five-year limit if it is in direct support of a contingency operation.

Vacation/Military Leave

Federal law allows you the option to use earned vacation time while performing military service, but you cannot be required to do so. The CBA provides that Reserve component members be paid their P# 484 normal wages, up to 30 shifts, for military duty each calendar year.

Rewarding the Boss for Supporting Your Service

The Department of Defense will send your boss a personally prepared certificate of appreciation through your unit commander if you just apply for it. This can be easily accomplished by filling out the request at www.esgr.mil/Employer-Awards/Patriot-Award. The certificate comes mounted in a folder, bearing the Department of Defense (DoD) seal embossed in gold. The DoD has seven levels of awards available to employers, with the highest award, the Secretary of Defense Employer Support Freedom Award, given by the Secretary of Defense at a formal ceremony in Washington, D.C. The more you brag about your boss or the organization, the better the chance of receiving a higher award.

The LVMPD has historically been very supportive of and accommodating to our military members. As a retired reservist with 27 years of service, I'm available to answer almost any questions you may have about reserve duty, USERRA and the CBA. **VB**

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New Year, New Hope

POLICE OFFICER MIKE RAMIREZ

Secretary

As I sit and write this article, I cannot help but think how hard the year 2013 was for the Las Vegas Metropolitan Police Department. Both change and lack of change have affected many of you. At the LVPPA, we strive to make necessary changes and fight changes that would adversely affect our colleagues.

In 2013, unfortunately, the outcome of the More Cops tax has not gone in our favor yet. With this subject still in limbo, it looks like the year will finish out with a shortage of staffing, low morale, etc. If the More Cops tax had passed, my gut feeling is that there would have been an immediate boost in morale since more cops on the street would alleviate some of the stress put on our officers. The stress would come from both the obvious source of having too much on their plates during a shift and also from public scrutiny when response time is slower.

2013 was also a year of many controversial situations regarding officer-involved shootings. Although the shootings may not have occurred during this year, the aftermath sure did. Public opinion weighed heavily on those making decisions in reviewing the cases and, unfortunately, it has made many officers uneasy in their position. Officers have a job to do. We have to be quick on our feet and respond in an appropriate manner for the situation. What may seem appropriate in the

heat of the moment is often deemed inappropriate after the fact by people who were not involved at the actual scene, in particular the public, management, etc. If every move we make in a stressful, dangerous situation is going to be scrutinized after the fact and potentially cause an officer to lose their job, ultimately, public safety will be at risk. It will be at risk because officers may opt to not pull their guns in a dangerous situation solely to avoid being held personally responsible.

Administration changes, resignations, etc., also have also occurred in 2013. Change is often good, but it also tends to make officers uneasy since we don't know where the future stands. Rumors start to fly, backdoor meetings occur and generally speaking all this can make for an uncomfortable work environment. The announcement that the Sheriff is not seeking re-election opens the door for change. Of course, until a new Sheriff is determined, it is unclear whether the changes will be positive or negative.

The year 2014 is right here. I assume that all of you, along with me, are hoping for a better, brighter year than the one we are ready to complete. One thing that I can assure you does not change year after year is the LVPPA's efforts to make our police department the very best it can be for our colleagues. If you are ever in doubt, please feel free to pick up the phone and give me a call. I ask that you take care of yourselves and each other, and I wish every one of you a happy new year! Be safe out there! **VB**



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Monday Morning Quarterbacks

CORRECTIONS OFFICER SCOTT NICHOLAS

Treasurer

Officers are asking a lot of questions regarding the body cameras and if it is a good idea to volunteer to wear one. As with everything, there are a lot of opinions on whether they will help you or hurt you if a statement of complaint is filed against you. I can tell you from experience that I was always a better officer when I was wearing a microphone for one of the "Cops" shows or one of the "Las Vegas Jailhouse" shows, mostly because it made me think before I spoke. I knew that every word would be critiqued, and with the camera operator following every step I took throughout the day, I knew that my actions would be reviewed by my chain of command and everyone who watched the show.

As most of you know, I worked at CCDC for 12 years before coming to the PPA full time, so I have a lot of time on camera because you are always being recorded while inside the detention center. Over the years I have represented several officers who were being investigated for use of force incidents based on video review. One captain stated that he "threw himself back in his chair" and said, "I can't believe the guy's head didn't split open" when an officer was accused of intentionally pushing a disruptive inmate into a doorjamb. The truth is that the inmate's head never made contact with the doorjamb; rather, it was the inmate's shoulder that made contact. The officer was fired from the Department for excessive use of force and lack of truthfulness in an internal investigation. All of this because the eyes on this video wanted to see the officer pushing the inmate toward the door, not the inmate pulling away from the officer! This is why when we take a video and want to believe the officer did something wrong, we can make an argument to fit the crime. The end result was that the LVPPA took the case to arbitration and an arbitrator reviewed the matter with a fresh set of eyes and no bias. This arbitrator found the officer to be P# 7429 truthful and reinstated him with no discipline for the incident. Great news for the officer, right? No, not really, because the stress from the entire process of a year-long event and the financial stress of losing your job for months without any income can be devastating to your credit, your living arrangements, your marriage and your family. It definitely takes a toll on you that is hard to recover from even when the outcome is favorable.

I also know of a video being used in an investigation in which the

accusation was that the officer did not give the inmate enough verbal instructions prior to using force and that the force that was used was "deadly force" based on the video. I guess ATM (ask, tell, make) is no longer acceptable? Most of us know that we use the 2013 method of ATM, which is more like ask, ask, ask, beg, plead, negotiate and then possibly make. In this case, the officer's instructions were not being followed; rather, the inmate responded by yelling, "F--- you!" I'm not a rocket scientist, but I'm pretty sure that when someone tells me, "F--- you," they do not intend to comply. The officer in this situation attempted to "make" the inmate comply, and of course the inmate resisted the officer. While the inmate was on the ground, the officer's knee came across the upper shoulders and lower part of the inmate's neck. In this blurry and two-dimensional video, it is not clear if the officer's knee even made contact with the inmate or was above him. We can only guess if he made contact, but either way the officer was never trying to use deadly force; he was only trying to cuff the inmate, which, as sometimes happens, did not look textbook on video. The officer was eventually sustained and suspended for eight hours. The LVPPA took this case to a labor management hearing, where again a fresh set of eyes could look at the video. This board found that the officer's actions were appropriate and overturned the discipline. Once again we beat up our officer and looked for the negative side of what happened, not the reality of the inmate being a thug and resisting the officer's attempts to remove him from the area.

Another incident involving Monday morning quarterbacking is one that had both video and audio. The complaint alleged that the officer used reportable force in the form of a strike and failed to document the force in the use of force report that he submitted. So let me get this straight: The officer took the time to document his actions on a use of force report, but failed to mention a strike he used during the incident? Why would someone leave out a completely justified strike? If you have a combative inmate and are justified in the amount of force you are using to gain control of the person, why would you leave out a strike used during the struggle? I guess the reasonable person theory doesn't come into play on this one. The officer was accused of striking the inmate in the head, but when IAB investigated the incident and slowed the tape down frame by frame, it became clear that the officer's hand was open and came down on the back of the inmate's shoulder. IAB investigators admitted that the tape clearly showed the officer did not strike the inmate in the head. The officer was "not sustained" in the investigation, which means the evidence in the case could not prove or disprove the allegation. It seemed clear to me that it was disproved, but because some people still believed the officer's actions were considered a strike by policy, they had to leave the findings as "not sustained."

This is my concern about where will we find ourselves in the future with the body cameras. One person will have an opinion of a video and someone else may have a completely different opinion. We all have to remember when viewing a video that that we don't have the ability to feel the emotions, the fear or the threat like the officer who was actually involved. Let's not all become part of the Monday morning quarterback club.

Please keep in mind that this is your choice to wear the camera. I am not saying it won't help in some cases and clear you of wrongdoing, but be prepared that if the video gets in the hands of the wrong person, you may have to combat what that person's perception is.

As always, be safe. **VB**



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Thankful for NVPERS

DETECTIVE KIRK HOOTEN

Director

As I sat down this Thanksgiving weekend to talk to my father, I was once again struck by the security and stability of having a pension to count on in retirement. My dad has been retired now for over 20 years from the private sector. He has had to be extremely diligent in planning and monitoring his funds to ensure a stable and secure income stream. Many people tasked with this private-sector model have suffered greatly through the last few years in having to deal with and adjust to the volatility in the market. Those of us fortunate enough to have chosen a public employee position have the benefit of NVPERS to handle our retirement planning for us. This results in a stable, reliable income stream that is adjusted with cost-of-living increases to ensure financial security through your retirement years.

I don't want to insult anyone, but I would take a guess that most of us would not be diligent enough to effectively manage our funds at the level of success and reliability that the NVPERS model produces. Also, it is doubtful that most of us would contribute a full 20% of our total compensation to a retirement fund if it were not mandated through the contribution requirements of splitting the PERS contribution with our P# 641 employer 50/50. Truth be told, if our private-sector friends were required to contribute 20% of their overall compensation to a retirement account and that amount was matched by their employer and lumped together to form a multibillion-dollar investment machine, most of America would also have stable retirement benefits comparable to our NVPERS.

I have taken the liberty to once again provide some facts and figures that every Nevada public employee should be aware of in relation to NVPERS. These are listed below. After reading them, hopefully the next time you sit down with a family member or friend who is nearing or in retirement, you can sit back and quietly reflect on the tremendous benefit that all your years of hard work have earned you. Be thankful.

NVPERS Supports the Nevada Economy and Nevada Investments

According to the Nevada Constitution, the \$28.7 billion NVPERS trust must be invested for the exclusive benefit of the members and beneficiaries of the fund. Within this very high standard for investment, NVPERS has \$1.3 billion invested in assets that support the Nevada economy through publicly traded stocks and private businesses.

NVPERS maintains positions in 17 publicly traded companies that make an important contribution to the Nevada economy. These firms include IGT, Newmont Mining, Intuit, Walmart and Amazon.com. The system also maintains positions in 16 privately held companies, such as Caesars Entertainment, Station Casinos and Hilton Hotels.

NVPERS' cost structure is exceedingly efficient for delivery of retirement benefits. On an individual basis, 80% of the benefits paid to our members are paid from the investments of the system. This results in a very simple formula of 80% investment return, 10% employee contributions and 10% employer contributions.

The current average rate of return over the last 28 years is 9.4%. This includes the highest year, an increase of 21.0% (2011), and the lowest year, a decrease of 15.8% (2009).

NVPERS Adds Value to the Nevada Economy Through the "Ripple Effect"

Results of the economic impact study concluded that NVPERS payments statewide supported:

- More than 10,000 jobs
- More than \$390 million in income for state residents other than PERS retirees
- More than \$1.2 billion in economic output and over \$789 million in value added
- More than \$174 million in tax revenue

There are roughly \$724.6 million in paid benefits to Clark County residents annually and \$1.2 billion statewide.

Pension benefits are spent in retiree local communities. These expenditures create income for households, firms and even government. These incomes that are created are also spent, creating additional income effects for other households, businesses and communities.

You will hear a lot of negative comments from opponents of public employees and pensions surrounding the topic of unfunded liability. These examples surround us in our daily lives in home mortgages, auto loans, school loans and credit cards. I have listed below a very simple way to understand what an unfunded liability is. This comes directly from the NVPERS website to explain a very complex issue.

Unfunded Liability Obligation: A Shared Responsibility

Definition: A pension plan's unfunded liability represents the cost to the plan of future benefits that have been promised to members or retirees but have not yet been funded.

- Pension plans make payments on the unfunded liability, similar to the way you make payments on a home mortgage.
- And, just like having a mortgage doesn't mean you are bankrupt, having an unfunded liability does not mean a pension plan is insolvent.

I hope I have been able to provide you with some common-sense facts in support of your NVPERS pension and help you understand what a tremendous benefit this is. I have written on this topic before, but I would like to remind all of you to keep the importance of defending this benefit at the highest level as we continue to represent your interests in local, state and national legislation.

If you have any questions, please feel free to contact me directly at the LVPPA or utilize the NVPERS website. Thank you all for your continued support. We are all one day closer to retirement! **VB**

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Why Join the PPA?

DETECTIVE DARRYL CLODT

Director

I have heard it a thousand times: "Why join the PPA? My union does nothing for me! Why give them my money?" Here is why. Joining the PPA has some very important benefits that some of you will likely need, given the apparent desire of this administration to have a high number of matters scrutinized by IAB. I know what you are about to say: "If I never get into trouble, I will never need the union." While I hope this is true, the fact of the matter is that many officers find themselves in IAB responding to completely bogus allegations, so even if you have done nothing wrong, you may still land there at some point in your career. And when this does happen, you will want to have some form of representation there to assist you and to ensure that your rights are protected.

As it stands now, all members receive this benefit free of charge with your monthly dues. However, if you choose not be a member and want a PPA representative to assist you at IAB, it will cost you \$250 an hour with a two-hour minimum. Worse yet, should you need an attorney to assist you with a pre-termination hearing, one of our in-house attorneys will cost you even more per hour. You should be aware that the cost for representation at a pre-termination is over \$1,000, as the attorney's fees are \$500 per hour with

a two-hour minimum. Labor management hearings run about \$2,500 and an arbitration hearing about \$10,000. But you will never need that, right?

So why take a representative with you when you go to IAB? It is always — and I must say *always* — to your benefit to take a rep with you. It is a right that NRS 289 gives you. Going to IAB can be stressful, and knowing that you have a person sitting next to you to make sure that your rights are not violated and IAB sticks to the correct process during your interview may ease your stress. The Department would never sidestep the process or cut corners, would they?

But IAB and hearing representations are just one of many things the PPA does for its members. Another thing the PPA does for you is to review new policies, procedures and orders that are implemented by the Department. This gives us a chance to voice our concerns and problems about new instructions, and maybe make it better for the working officers who will have to follow these new policies. We also work hard on your behalf to negotiate your wages, benefits and insurance contributions from the Department. There is also assistance in bringing grievances, representation at the accident review board, and assistance at every step of use of force and officer-involved shooting cases.

You represent the future of not only this Department but also this association. It is important that we remain strong, and to do this, we must remain together. Your membership is important to us and we should be important to you. **VB**



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Safe Cab Ride

DETECTIVE RORY NESLUND

Director

The Las Vegas Police Protective Association, along with our sponsorship partners, is proud to introduce an exciting new benefit available for our members. The PPA has partnered with Bell Transportation, Frias Transportation, Yellow-Checker-Star Transportation and the Patti, Sgro, Lewis & Roger Law Firm to bring the members a safe ride home.

After several months of meetings and planning, the safe cab ride home program is up and running. The program basically gives our members a free ride home from anywhere you might happen to be out and partaking in a few drinks. The program is designed to pick you and your guest up from a location in town and drive you to your house or final destination of the night. It is not intended to be used to “bar hop.” When your night of fun and blowing off steam comes to an end, don’t chance it — call for a ride!

The program works with a voucher system. These vouchers will be made available in several different ways. The area reps for the PPA will have the vouchers and can provide them to the members. The vouchers will also be available at any time through the PPA office. If you need one, call and we will make sure you get it. The voucher is no bigger than a business card, so we suggest that you slip one into your wallet so it is ready when it is needed. This is better than American Express, so don’t leave home without it! See below for a sample voucher.

When it is time to use the voucher, there are a few different ways of handling it. The first way to get a cab to your location is to call one of the listed companies (Frias, Whittlesea Bell or Yellow-Checker-Star) and tell them you are a member of the LVPPA and you have a voucher. They will confirm your name and P#

and a cab will be dispatched to your location. The second way to get a cab is to locate a taxi from one of those same companies in the cab line outside of your location and provide the voucher to the driver. You will be required to provide your name and P# along with the voucher. Although you have your voucher, there may be a request to confirm your name with some form of identification, so if that is asked for don’t be surprised. Once that is completed, you are on your way to your final destination of the night. The cost of the ride will be covered and a basic tip included for the driver. I am sure they would not turn down any extra gratuity you may have in your wallet, though!

The best part of this program is that we consider it a benefit to help our members get home safely with no questions asked. Information concerning who uses the program and how often will not be shared with the Department. So please be assured that the limited information that the PPA will get from this will be kept in house and not shared. We want you to have fun and be safe doing it! Your dedication to the Department, the association and the community does not need to be compromised by driving when you shouldn’t.

This is a new program and although we have tried to cover all the things that may cause a hiccup in the process, there is always a chance that something may come up. Please let us know right away if there are any issues that need to be addressed and we will do so. If it’s something that can be shared after the fact, call us or email us here at the office and we will address it. If there is an issue that needs to be handled immediately, please call us 24/7 on the PPA call-out number, 600-3127, and the on-call representative will help you through it.

Again, help us make this work and be a valuable benefit to everyone who may need to use it. As always, thank you for your support and dedication, and be safe! **VB**



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CAB #: _____

PASSENGER NAME: _____

PASSENGER P#: _____

PASSENGER SIGNATURE: _____

METER AMOUNT _____



DAVID ROGER
General Counsel

Issues Arising out of Vehicle Stops

First, I hope you and your family had a wonderful holiday season. I look forward to working with you in 2014. I am reprinting a memo I distributed last year concerning vehicle stops and your interaction with passengers. As always, please contact me if I can help you with any legal issues.

Introduction

You have asked whether officers may require passengers to identify themselves during traffic stops. This memo will address a number of issues that officers frequently face during vehicle stops involving passengers.

Initial Stop and Detention of Passengers

It is well established that officers may stop and detain the driver of a vehicle based upon reasonable suspicion that the driver is committing or has committed a criminal offense. *Terry v. Ohio*, 392 U.S. 1, 88 S.Ct. 1868 (1968). Even though an officer may not have reason to believe a passenger is engaged in criminal activity, the officer may also detain the vehicle occupants. *Arizona v. Johnson*, 555 U.S. 323, 129 S. Ct. 781 (2009); *Brendlin v. California*, 551 U.S. 249, 127 S. Ct. 2400 (2007).

Ordering the Driver and Occupants to Exit the Vehicle

Once a driver is legally stopped and detained, officers may direct the driver to exit the vehicle without violating the Fourth Amendment. *Pennsylvania v. Mimms*, 434 U.S. 106, 111, 98 S. Ct. 330, 333 (1977). "What is at most a mere inconvenience cannot prevail when balanced against legitimate concerns for the officer's safety." *Id.* Likewise, officers may order passengers to exit the vehicle. The court in *Maryland v. Wilson*, 519 U.S. 408, 414, 117 S. Ct. 882, 886 (1997) explained: "In summary, danger to an officer from a traffic stop is likely to be greater when there are passengers in addition to the driver in the stopped car. While there is not the same basis for ordering the passengers out of the car as there is for ordering the driver out, the additional intrusion on the passenger is minimal. We therefore hold that an officer making a traffic stop may order passengers to get out of the car pending completion of the stop." *Id.*

Terry Pat-Down of Passengers

While an officer does not have to establish individualized reasonable suspicion to detain a passenger of a vehicle lawfully stopped, the officer must comply with the mandate of *Terry v. Ohio*, supra, before patting down a passenger. Specifically, the officer must have reasonable suspicion that the passenger may be "armed and dangerous." *Arizona v. Johnson*, 555 U.S. at 327, 129 S. Ct. at 784; *Codes v. State*, 260 P.3d 184 (2011).¹

Identification of Passengers

NRS 171.123 provides in part:

1. Any peace officer may detain any person whom the officer encounters under circumstances which reasonably indicate that the person has committed, is committing or is about to commit a crime.
3. The officer may detain the person pursuant to this section only to ascertain the person's identity and the suspicious circumstances surrounding the person's presence abroad. Any person so detained shall identify himself or herself, but may not be compelled to answer any other inquiry of any peace officer.

As the United States Supreme Court observed, in *Hibel v. Sixth Judicial Court of NV*, 542 U.S.177, 185, 124 S. Ct. 2451, 2458 (2004), "Asking questions is an essential part of police investigations. In the ordinary course a police officer is free to ask a person for identification without implicating the Fourth Amendment. '[I]nterrogation relating to one's identity or a request for identification by the police does not, by itself, constitute a Fourth Amendment seizure.'"

An officer's questions, unrelated to the justification of the stop, do not constitute an additional seizure as long as the inquiry does not "measurably extend the duration of the stop." *Muehler v. Mena*, 544 U.S. 93, 100-01, 125 S.Ct. 1465 (2005).

The Nevada Supreme Court, in *Cortes v. State*, 260 P.3d at 190, approved of police requiring passengers to identify themselves, without requiring individualized reasonable suspicion. As the 10th Circuit Court of Appeals noted, "...because passengers present a risk to officer safety equal to the risk presented by the driver, an officer may ask for identification from passengers and run background checks on them as well."²

Once an officer has stopped a driver, based upon reasonable suspicion, the officer may detain the passengers and direct them to identify themselves. The Nevada Supreme Court has not decided what form of identification complies with the statute. However, in dicta, the Court noted, "The suspect is not required

¹States are free to impose higher standards on search and seizure issues. *Virginia v. Moore*, 553 U.S. 164, 171, 128 S.Ct. 1598 (2008). However, the Nevada Supreme Court has only interpreted the Nevada Constitution as requiring greater restrictions on two occasions. *State v. Harnisch*, 114 Nev. 241, 954 P.2d 1180 (1998) (warrant required for vehicle searches); *State v. Bayard*, 119 Nev. 241, 71 P.3d 498 (2002) (custodial arrests for traffic issues).

²*United States v. Rice*, 483 F.3d 1079, 1084 (10th Cir. 2007).

to provide private details about his background, but merely to state his name to an officer when reasonable suspicion exists.”³

Most P# 507 recently, in *State v. Beckman*, 129 Nev. Adv. Op. 51 (filed July 13, 2013), the Court noted, “During the course of a lawful traffic stop, officers may complete a number of routine tasks. For example, they may ask for a driver’s license and vehicle registration, run a computer check, and issue a ticket. Officers may also inquire about the occupants’ destination, route, and purpose. And if necessary, law enforcement may conduct a brief, limited investigation for safety purposes.” (Citations omitted.)

Until the court provides more clarity, it is reasonable to direct a passenger to provide identification to prove his or her identity. **VB**

³*Hible v. State*, 118 Nev. at 876, 59 P.3d at 1206.

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Sheriff's Message

SHERIFF DOUGLAS C. GILLESPIE

Why I Am Retiring

I know there has been conversation over the past few months regarding the reasons why I chose not to seek a third term as Sheriff of Clark County. I would like to take this opportunity to share with you why I am retiring after this term.

It was with a great deal of thought and personal reflection that I made the decision not to seek another term in office. When I leave this office, it will be after eight years of service as Sheriff, four years as Undersheriff and 34 total years in law enforcement. I have always believed that challenge reveals character. It has been a core belief that I have built my career upon. I have thrived on the challenges of leading a major metropolitan police agency. I am proud of the many great accomplishments of this organization over the years. Of course there have been, and continue to be, disappointments and areas requiring improvement as we move forward, but our successes far outweigh the setbacks.

Although I have enjoyed the many challenges of this office, the demands have been significant and have required a great deal of personal sacrifice. The success of this organization has been a priority in my life for many years, and for good reason. I believe that to do something well requires commitment. With that said, I also believe that a full life is a life with balance. My immediate priority after retirement will be to spend some time enjoying family, relaxing

and doing some of the things I had previously been unable to do, and deciding what I want to do next.

I have been a proud member of this Department since 1980, fresh out of college with a degree in criminal justice, no experience and a desire to make policing a career. In the years that have followed, not only did I fulfill that desire for a career in policing, but I also received a great deal more.

I started out in patrol just like every other officer learning the job, and eventually got involved in the Field Training Program, training and mentoring new officers just as veteran officers had trained and mentored me. As an officer, first-line supervisor, lieutenant, captain, commander and deputy chief, I benefited greatly from varied assignments such as SWAT, the Academy, K-9, Vice/Narcotics and Detention Services. The relationships and experiences gained from each position aided in both my professional and personal growth in this organization. I was able to take something from each assignment that helped me prepare for the next challenge/opportunity. The strength of any organization lies within its people and their opportunities to grow, to evolve and to continually improve. I have been a part of and witnessed the growth, change and maturity of arguably the finest police department in the country.

Throughout the progression of my law enforcement career, I gained the



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understanding that change, though difficult and uncomfortable at times, is necessary for growth. Constant self-assessment is important in deciding when it's time to make changes for personal growth and effectiveness. In doing that I concluded that, for me, two terms as Sheriff was sufficient. It was simply time to step aside and move in another direction.

The evolution of the Las Vegas Metropolitan Police Department into a standard of cutting-edge law enforcement has not been by accident. Strong leadership has been at the forefront of positive organizational changes over the years. Although we in the law enforcement community are facing many difficult challenges ahead, I believe we have made great strides in the development of strong leaders capable of taking this Department into the future with innovation, passion and courage. That is why I feel confident this Department will be in good hands with the current and future leaders we are developing within our ranks.

In the upcoming months I plan to focus on the critical needs of the Department as I always have. One of the primary issues facing this organization is funding into the future. The More Cops tax initiative has been a significant challenge and is extremely important, not only to this organization but to every law enforcement agency in Clark County. We are aggressively working to improve our radio system. We are also in the process of outfitting our officers with body cameras, an important tool in policing that will soon be standard equipment for virtually every major law enforcement agency in the country. These and other challenges need our attention today in preparation for the future.

In conclusion, I will always be a part of this Department and committed to its continued success. I pledge to continue to work hard over the course of the next year to ensure that we are in the best position possible to flourish in the face of future challenges. I have benefited a great deal from relationships I have built over the years, both professionally and personally, because of some extraordinary people. Given the quality of the people within this organization, I have no doubt that the Las Vegas Metropolitan Police Department will continue to be the agency that sets the achievement bar for other agencies to aspire to reach. **VB**

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A Trip to Walter Reed Hospital

DETECTIVE CHRIS COLLINS

Executive Director

As the executive director of the PPA, I have the honor of representing our members at several functions around the country. This past December, I was again given the opportunity to join my good friend Hugh Cameron, president of UMASS COPS, in visiting the wounded warriors at Walter Reed National Military Medical Center in Washington, D.C. I would like to thank all those who were responsible for putting this trip together. Without their care for and dedication to the wounded warriors and the staff at Walter Reed, this trip could not have happened.

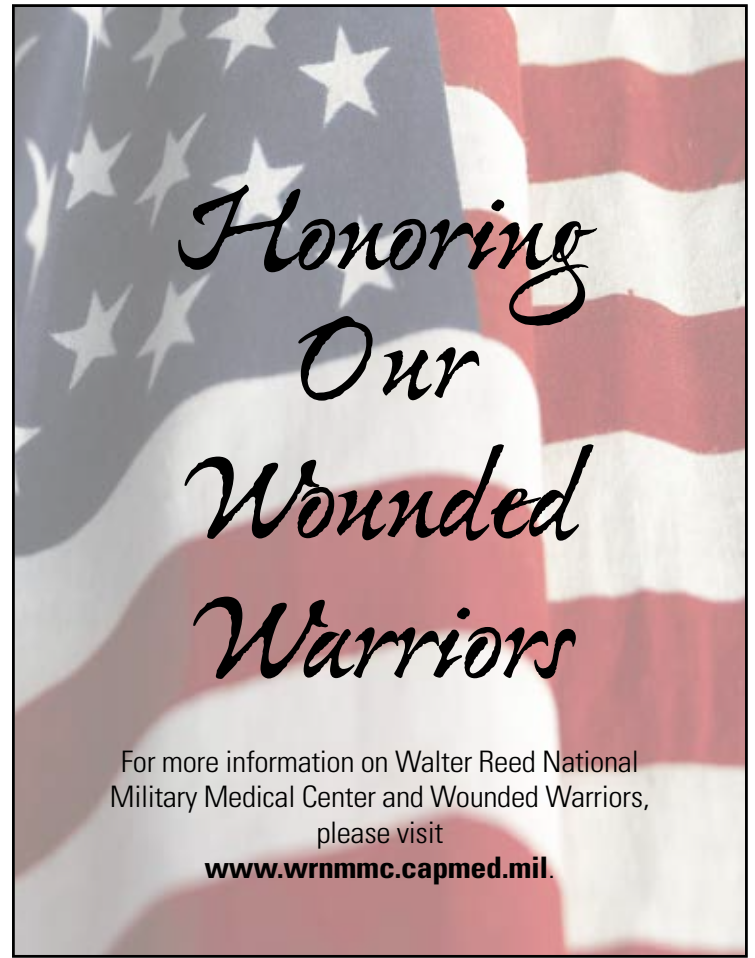
This experience, which I got to do last year as well, is truly a life-changing event. We arrived at Walter Reed with police hats and shirts to hand out, as well as some goodies and teddy bears for the children of those who are rehabbing there. As with last year, I was not entirely sure how we would be perceived. But once inside, my concerns quickly went away. Everyone, including the patients, welcomed us with open arms. And



as wonderful as it was to see these wounded warriors smile and enjoy the brief distraction from the hard work of rehabbing ahead of them, perhaps even more gratifying was to see their children smile and laugh in what must be a scary and confusing situation for a child.

As I mentioned, this trip was life-changing. Every single person I met at Walter Reed was pleasant and upbeat. God knows many of them have reason to be bitter and mad at the world for what has happened to them. But there they are, with positive attitudes and determination on their faces, putting everything they have into their rehabilitation efforts. This really makes you stop and take notice of the things going on in your own life, and appreciate how lucky you are. Let's face it — no matter how bad things are, they could always be worse. Yet here these guys were: smiling, laughing and frankly just happy to be alive. They don't feel sorry for themselves and they don't want your sympathy; they simply want to get back to doing a job they love, defending our country and our freedom. God bless them for that. I only hope that I can live the rest of my life following the example they set. Please join me in keeping them in our thoughts as we enter this new year! **VB**





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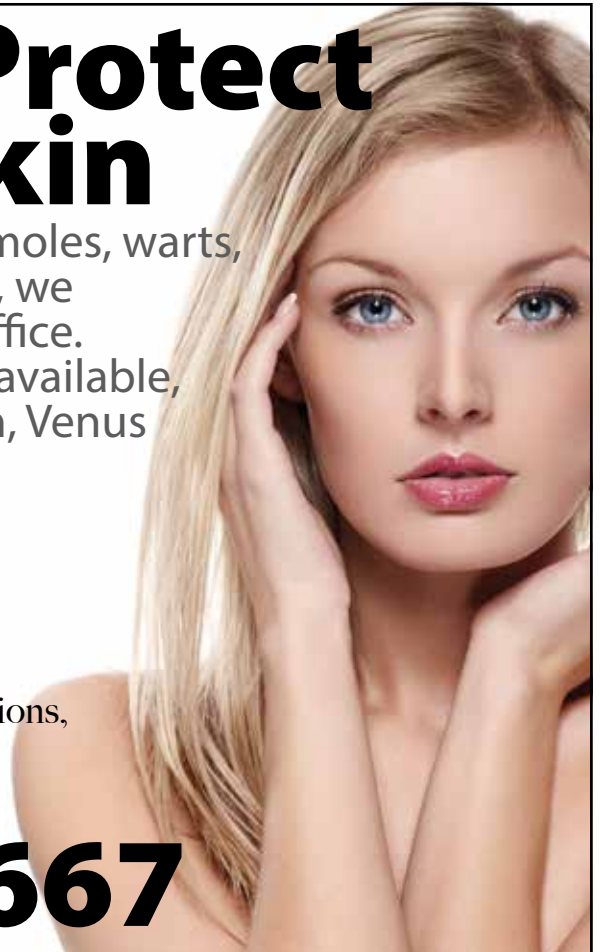
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Internal Affairs Investigations: Don't Volunteer

HANK HERNANDEZ

Attorney at Law

During a recent Legal Committee meeting at the Los Angeles Police Protective League, I was sad to hear a request from a terminated officer for funding to pursue an appeal of his discharge in superior court. What prompted me to write this article is the fact that this officer would probably still be at work had he not volunteered unnecessary information during his IA interview and in his Skelly response.

During an IA interview, whether being interviewed as an accused or a witness, keep this in mind: *question, pause, answer, stop* (or QPAS for short). That is the unnatural but essential rhythm of an effective witness. The rest of this article will be addressing the “stop” of QPAS.

Don't volunteer. In the uncomfortable world of being an accused or a witness during an IA interview, the goal is not to engage in a nice, free-flowing conversation with the investigator(s). Your job as an accused or a witness should be to insist on clear and fair questions, as well as answer carefully, briefly and precisely — and then go home. *Question, pause, answer, stop*. The job of the investigator should be to ask the right questions to get at the information he or she wants. It should not be the job of the investigator to ask open-ended questions or to put words in your mouth. Nor should it be your job to volunteer information beyond the narrow lines of a question.

Don't volunteer. You may think that volunteering will somehow help or shorten your interview, but it will not. You should wait for a clear and simple question, keep your answer as short, simple and narrow as possible, and then stop. If the investigator does not follow up with more questions and thereby misses other information, that's not your problem. Your volunteered addition may be superfluous, problematic for your interests, inadmissible, irrelevant or just off track.

Don't volunteer. There are no “shortcuts” here. Answer each question at its most basic level. Do not try to help the investigative process along or anticipate where it might be going. Too often that means going off that straight and narrow path forward. Those kinds of sidesteps can take much more time in the long run and greatly add to the difficulty of being an accused or a witness during an administrative investigation. Your goal should be to give the investigator nowhere to go but forward, toward the end.

Don't volunteer. Not volunteering means realizing that silence is OK during an interview. This is a hard adjustment for a police officer. In the normal course of police duties, silence between an officer and another person in a conversation is frequently uncomfortable, and oftentimes officers try to fill in the gaps. We all know viscerally what “uncomfortable silence” is. We don't like it. Experienced investigators know this. They know that silence can be an effective tool by playing off that natural discomfort. An investigator may use silence by simply waiting at the end of your answer, as if surely you cannot be finished, surely there is more. Don't play that game. Answer the question simply, then stop and wait for the next question. Use the silence to prepare for what is ahead, not to volunteer more of what has passed.

There are two general exceptions to “do not volunteer” that an accused or witness officer and his or her attorney might want to discuss. The first is the “simple misunderstanding” exception. If you and the investigator are not communicating and are becoming bogged down because of a clear and simple misunderstanding over a basic fact, it may be worthwhile to volunteer information to correct the error.

The second exception is for “core themes or issues.” Every allegation of misconduct to be addressed during an administrative investigation has a few key themes or issues that you as an accused or witness need to understand and keep in mind. The more involved an accused or witness officer is with the matter under investigation, particularly as an accused, the more important these themes or issues become. If an accused or witness officer and their attorney agree on how to address these themes or issues, the two of you may also want to go beyond the simple answer to a question and volunteer information to support your side of core matters or issues.

Remember, the statements that officers give during IA investigations are serious business. Everyone in an interview room has a job to do. Many investigative techniques and rules during these interviews are aimed for the investigator to do his or her job right — to make him or her ask clear and fair questions. This “don't volunteer” article is aimed at encouraging accused and witness officers to do *their* job right — answer the question, then stop.

This article originally appeared in the November 2013 issue of The Thin Blue Line and is reprinted with permission of the Los Angeles Police Protective League. VB

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INSIGHT

In the post-bureaucratic world, the laurel will go to the leader who encourages healthy dissent and values those followers brave enough to say no. The successful leader will have, not the loudest voice, but the readiest ear. And his or her real genius may well lie, not in personal achievement, but in unleashing other people's talent.

— Warren Bennis



The LVPPA invites all members to help take care of our own. The LVPPA has a 501(c)(3) charity organization now called the Law Enforcement Assistance Fund (LEAF). The goal of this organization is to help the survivors of fallen officers. 2009 was a rough year, a tragic year that hit all of us a little close to home. The long-term goal of the charity is to ensure that survivors have the opportunity to go to college. As such, the charity will donate the cost of Nevada state tuition rates to the survivors of fallen Metro officers, to include children and spouses. The charity got off to a strong start, but we need your help and ask all officers to donate. Please look into your hearts and determine if you can give. The back of this form is a payroll deduction form. Just rip out this page, fill out the back with your deduction amount in block 5200 under LVPPA Metro Charities, then send the form in a 1000 miler to the LVPPA for processing. LEAF hopes that you will never need this, but will be here when you do. **VB**



LAS VEGAS METROPOLITAN POLICE DEPARTMENT
PAYROLL RECURRING DEDUCTIONS SHEET

Employee Name	P#	Daytime Contact Number
---------------	----	------------------------

Wage Type	Deduction Type	Deduction Amount	Start Date	Stop Date	
DUES					
5009	Black Police Dues (24 pay periods)				
5010	NLPOA Dues (24 pay periods)				
5007	PMSA Dues (24 pay periods)				
5005	PPA Dues (24 pay periods)				
5006	PPACE Dues (all pay periods)				
5008	SPA Dues (24 pay periods)				

MISCELLANEOUS DEDUCTIONS					
5200	Law Enforcement Assistance Fund (LEAF) (24 pay periods)				<input type="checkbox"/> One Time <input type="checkbox"/> Recurring
5435	PMSA Foundation (24 pay periods)				<input type="checkbox"/> One Time <input type="checkbox"/> Recurring
5403	Police Museum (24 pay periods)				<input type="checkbox"/> One Time <input type="checkbox"/> Recurring
5404	Prepaid Legal Svcs. (24 pay periods)				
5400	United Way (26 pay periods)				<input type="checkbox"/> One Time <input type="checkbox"/> Recurring
	Other				

LOANS					Declining Balance
5411	Employee Reimbursement		Reason:		
5223	BPA Loan (all pay periods)				\$
5220	PPACE Assoc. Loan (all pay periods)				\$
5210	SPA Loan (24 pay periods)				\$
5410	Purchase Retirement (24 pay periods)	<i>To purchase retirement, you must initiate your request through PERS. You may stop the deduction using this form.</i>			\$
5413	Purchase Retirement 2 (24 pay periods)				\$

Employee Signature & PN <i>(Sign name as it appears on paycheck)</i>	Date	Representative Signature	Date	

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.

INSIGHT

As a family, we had a code, which was to do the right thing, do it the best we could, never complain and never take advantage.

— Margaret Truman (1924-2008)
Souvenir: Margaret Truman's Own Story
 (with Margaret Cousins), 1956, p. 8.

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CALENDAR

January 20	Martin Luther King Jr. Day
February 14	Valentine's Day
February 17	Presidents Day
March 6	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.



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CONGRATULATIONS

to the contest winners from the last issue!

November/December

Hidden Symbol Contest (\$250)

Phalon Mauntel, P# 14191

P# Contest (\$50)

Alfredo Quintero, P# 9803

Michael Mitchell, P# 6273

Michael Madland, P# 9978



Congratulations to \$50 winner Michael Mitchell, pictured here with Director Thomas Reid.

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



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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

1

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 Tuesday, February 11, 2014, to be considered eligible. Telephone entries will not be accepted. Visit our website for more details.

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

2

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

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

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

Each issue gives you the latest information on

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- Benefit changes
- Retirement considerations
- Hot topics on the job
- Association news
- Upcoming events

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



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