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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 over 241,000 law enforcement officer members in more than 1,000 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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Labor Pains

To be clear, I am not talking about the process of bringing a new life into this world. This article is going to focus on the issues that we are experiencing related to our current Labor Relations Department. I would like to start by saying that I do like the folks who work in that office. If you ever have the chance to stop in and chat with them, they are quite nice. I have had conversations with them in the past and have worked on some issues with them that have turned out to help some of our members. What we are currently having issues with is the apparent control over discipline that Labor Relations has or has been given.

From the LVPPA standpoint, it appears that commissioned supervisors are no longer allowed to make decisions related to discipline. It appears from our side that no one is allowed to go against what Labor decides. This fact becomes even more painfully obvious when we file a grievance on a case for an officer. During the meetings with either the captains or the chiefs, we are routinely told that they need to check with Labor before they make their decision. This is a whole other issue, as we believe it violates your CBA regarding the grievance process. We believe the CBA gives the person hearing the grievance the sole authority to make the decision to overturn discipline or whatever matter gave rise to the grievance.

There should always be some mitigating factors associated with these cases when they are warranted. Sometimes, officers screw up. It happens. We all know it. Sometimes we go into an IAB interview and have our officers “fall on the sword” because they know they messed up. However, all we have recently observed is aggravating factors to increase discipline on our officers. I have rarely observed a mitigating factor of “Officer has several commendations for X, Y and Z. Officer has received training in this area. Officer has acknowledged POs and GOs of the quarter for their area. Officer has no discipline in their file.” But we sure see it. It is disheartening to me to see these increasing punishments on our officers. I have rarely observed a case where an officer has been on the Department for X years and should know better. Officer has been on the Department for X years and should know better.

I can't find the nexus of those three incidents. Yet these are the decisions and offers coming out of Labor these days.

What about accountability? When officers show accountability for things, they still get the full force of Labor. The loose interpretation of the Discipline Matrix and where things can fall is also being abused. If you have an excessive use of force, the Matrix puts you in a certain line item. However, they can slide you out of that line item into another because the first offense for use of force is a Written, and where things can fall is also being abused. If say you have an excessive use of force, the Matrix puts you in a certain line item. However, they can slide you out of that line item into another because the first offense for use of force is a Written, but line item 6 can allow me to give you a Suspension. It is disheartening to me to see discipline getting decided, and also the fact that supervisors are not free to make their own decision when hearing a grievance, but rather they, a captain or a chief, have to check with Labor to see if it is OK. Suspensions are easily justified to anyone on the Department. I don’t feel this happens often. It does happen on occasion, and I wish I could commend those supervisors who have done it, but I do not want to put anyone’s name in this article. You know who you are, and we greatly appreciate you. Most of the time, however, it appears easier to just go with Labor’s recommendation and let the officer fight the case through their grievance process. Kelly Sweeney was hired by the PPA and serves as our labor director. She used to be our director of Labor Relations for LVMPD for many years. She absolutely cannot believe how often Major suspensions are being used currently. When she ran Labor, those cases were saved for the worst-of-the-worst discipline.

The direction in which Labor is steering discipline, however, is very tough for me to sit back and watch. To be clear, my issue is not with IAB. IAB does the investigation and presents their findings. I may have some issue with the IAB process, but in the end, they do their best to simply provide the facts of the case and submit them to Labor and the Chain of Command for what discipline is to be administered. It is the process of deciding and administering the discipline that I have the issue with.

The positive side is that, while I have had issues with disciplinary decisions being made, Sheriff Lombardo and Undersheriff McMahill have been extremely open to conversation and have helped me try to get a better outcome in some of the serious issues we have. I wasn’t sure I would ever be saying this back when I took over as president, but those two have been far more helpful than hurtful. I don’t expect them to have their thumbs on every single issue going on at LVMPD, nor could I be expected to know every little thing the rest of the staff at the PPA does. When I have needed help, I have received it — and, in turn, our officers have benefited from it. This was my hope when I took over: that we could open up communication with 100 and 101 and get matters resolved. And that is exactly what we have done.

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Hopefully, this didn’t sound like a segment of “The Rant” from Fox 5. But I feel you all need to be informed about how some of the discipline coming out is being decided. Too much power and authority is being given to Labor Relations, as opposed to the commissioned supervisors of our Department.

As always, if there is anything you all need from me or the rest of the PPA team, please just reach out to us. VEGAS BEAT
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The best morale exists when you never hear the word mentioned. When you hear a lot of talk about it, it's usually lousy! — Dwight D. Eisenhower

Emotional survival for law enforcement these days goes far beyond the paycheck, time off or other benefits in your CBA. The ability to survive emotionally in a career that in the last few years has been destroyed by the national media and has our brothers and sisters being executed in the streets is difficult, to say the least.

Our officers are told on a daily basis that they are scum, racists, murderers, thieves, etc. Some people wonder how an officer can put on the uniform with so much hate in the world, not just in society but toward the uniform itself.

Many people forget that we are human, and many think nothing ever bothers us because we get paid to do the job without ever showing any emotions. A supervisor recently remarked, “How much money did you make last year? ... Boy!” My answer is, “Who cares?” That question tells me this person has no idea how to be a good supervisor.

Ask yourself this question: Does your leadership motivate you, or kill your morale? If you have a sergeant, lieutenant, captain or chief who doesn’t see the importance of high morale, they will never succeed in generating anything more than malicious compliance. It takes a strong leader to recognize the importance of their employees’ morale, and an even better leader to know when it needs to be fixed.

Trusting your employees is one of the first steps in creating better morale in the workplace. Our officers go through some of the highest-stress situations imaginable. When officers experience both physical and psychological stresses every day, knowing their chain of command trusts them is extremely important to their success.

Low trust of our employees is brought to my attention weekly. Officers being followed by their supervisors and videotaped from the bushes as they eat their lunch, or a chief issuing an order limiting the size of the bag you bring in to work (down to the inches), shows a complete lack of trust to the entire division.

Assuming the worst of your employees and then looking (fishing) for a reason to discipline them will get you the minimum output from them. Employees who are trusted will be much better members of the organization, and will be more willing to do some of the more unpleasant tasks when they are shown trust from their division leaders.

I believe that supervisors with high moral principles foster higher staff morale! Morale can be raised almost instantaneously if given the right set of circumstances. Morale can also be lowered in the same amount of time if directives and orders are issued without consideration to how they will affect morale. Morale is something that can change several times a day, depending on the circumstances surrounding the employee.

Officers have described one emotion as “hitting a wall” when they arrive to work, mostly because they fear the unknown or the “What's next” mentality from their supervisors. Several supervisors have recently said they share the same feelings the officers have. Some have said there is a lack of respect from their division leader. Some say they are being “bullied.” Most have said they just want to leave the Department, because their ideas are dismissed with a “Do as I say” attitude.

Have you heard about Henderson P.D. looking for ways to improve morale and overall job performance? Henderson P.D. is allowing officers to catch some shut-eye to recharge. Our officer gets accused of falling asleep and gets an eight-hour suspension, instead of a gentle nudge to say “Let's go!” Meanwhile, our officers at the jail are losing cell phones and lunchboxes to improve officer safety, but then are told the inmates will be trusted with coffeepots and microwave ovens. Here are a few quotes that the chief wrote to DSD everyone:

- “In fact, there is a PPA representative who loves to tell me morale is the lowest he's seen in his career, yet he's made that same statement year after year after year. My take on morale is simple, it's a personal issue.” (This tells me there is no ownership or leadership where morale is concerned. By the way, that's not what you said three years ago when interviewed by internal affairs.)
- “Again, morale is a personal decision.” (Same as above.)
- “What will you find is increased security for everyone's safety.” (Coffeepots and microwaves for the inmates is increased security and safety?)
- “I never want to explain to anyone's family why I allowed a poor security practice to continue.” (But I am issuing coffeepots and microwave ovens to the inmates? Really?)
- “We must never forget, our facilities hold the worst of the worst in our community.” (So, for security reasons, we are issuing coffeepots and microwaves to the inmates?)
- “I don't fear the 'low morale' issue or not being 'liked' as most of you know.” (Pretty clear to me, and yes! We know. For the record, I do, Chief!) If you are looking to improve morale, you have to identify what the problems are by listening to the people you supervise. If you don't think there is a problem, then maybe you have been in supervision too long and need to make a change.

No one is being held hostage.

Here are a few suggestions:

1. Show sincere appreciation for the work your employees do! Don't bring money into the conversation unless you want them to do the same.
2. Involvement: Be involved with your employees, both personally and professionally. Telling employees you can't be friends with them is your own fear that it's beyond your ability to separate the two! The Sheriff can do it, so why can't you?
3. Loyalty to your employees: Show some loyalty and it will be returned threefold. Loyalty doesn't mean you can't be an effective leader or even discipline (tactfully) when necessary.
4. Good working conditions: You can't take, take, take from your employees, showing lack of trust while at the very same moment giving the trust to the incarcerated. (Incentives? Where are the officers’ incentives?)
5. Make work fun again. Some of the creative videos produced by Sergeant Williams were a huge hit. People "caught in the act" was fun! Officers were smiling! Even the A/S got involved.
6. Give the employee the benefit of the doubt, not the usual "guilty until proven innocent."
7. Be understanding. Forcing someone on leave without pay because they overslept makes you look like a tyrant, not a supervisor. Put yourself in the officers' shoes, and remember where you came from.
8. Show compassion. We are taught as officers to show compassion for criminals, but then many times we do not receive any compassion from our chain of command. We are human beings, and we make mistakes. In closing, I want to be clear that I love my job! I love working for this Department, like all of you. I truly appreciate the pay and benefits I receive. I look forward to the retirement pay this job will provide. I really do think we have the best Department in the nation. I also want everyone to know that I am human, and I work much harder when given a sincere pat on the back. I'm sure many of you feel the same way.

Be safe, and thank you for your membership!

VEGAS BEAT   |   May/June 2017
I have spent a great portion of my life (10 years Air Force/17 years LVMPD) in the service of my community and my country. As public servants, we are not doing this to get rich; we are not professional athletes or even owners of giant corporations. But the men and women who choose to serve in one capacity or another are a rare breed. What other career can be held up to public scrutiny like this one? I have heard it so many times from so many people: “Cops make too much money,” or, my favorite, “Anyone can do that job.” I once sat in a local restaurant and listened to a waiter brag about how cops are overpaid and you only need a high school diploma to do their job. He went on to say that those officers at the jail who killed that guy were out of line and he could have handled one guy without killing him. I wanted to respond to his tirade, but I realized he was merely bragging in front of a table full of young ladies, and when he got their order completely wrong I was not impressed with his skill as a waiter. So I figured that if he couldn’t perform his job well, I don’t think he could do mine either. Thinking about it now, I don’t mind some guy thinking he is capable of doing what I do for a living. I can take the lack of respect from certain people in the general public. After all, I have worn some type of uniform for the past 27 years of my life, and that fact gives him the right to have an opinion about what I do.

The problem I have is not with the general public, but with certain individuals from within our profession. I was told recently that it is not the duty of a supervisor to de-escalate a hostile situation between a supervisor and a subordinate. In short, I was informed that yelling at a subordinate is a management style and a right of a supervisor. I have been a subordinate in some form or another for many years, and I have never had a supervisor outside of an academy or basic training setting yell and berate me because they thought they had the right to do so. I have never shown any level of disrespect to a supervisor, and the reason is that I have never been subjected to a level of disrespect by my supervisors. I was taught a long time ago that respect is a two-way street, and if anyone thinks that the way to gain respect is through fear and intimidation, they are not much of a leader.

True leaders concern themselves with the well-being of their employees — after all, if the people performing the job are not happy, it is incumbent on the leader to find out why. An officer recently received some news that was upsetting and became very emotional. I did not feel it was safe or prudent for this officer to work a 12-hour shift in such an emotional state. I contacted the supervisor and explained the situation, and to my surprise he responded with “Well, are you going to supply me with an officer to cover the overtime?” No concern, no compassion and no question as to the situation involved. I was even more surprised when I spoke with the officer the next day and was informed that the same supervisor never asked the officer about their well-being. At the end of the day, it all goes back to respect. Officers are expected to show a certain level of respect to everyone, including the suspects they deal with every day. Officers are attacked verbally, mentally and physically on a daily basis, but are still expected to maintain a certain level of professionalism and courtesy. It would be nice if the same respect was given by certain members in charge of seeing that officers are supplied with a clean and safe working environment.

Part of being a leader is recognizing what is best for all involved. I recently inquired about getting vehicles for officers that are comparable to their size. I sat down with a lieutenant, and she came up with several ideas and was quick to offer any help I could use (leader). I attempted to communicate with the next level, and I was informed that the officers have all the equipment they need per policy. This answer was not surprising, but it was very disappointing. It seems as though people reach a certain level and become involved with this job, but when you begin this job you are committed. The difference between being involved and committed is simple. It’s like bacon and eggs — the pig that supplies the bacon is committed, but the hen that supplies the eggs is only involved. If officers felt the leaders in place were committed to them and genuinely cared, then perhaps a certain level of respect would exist between the two. A chief master sergeant from the United States Air Force had a simple philosophy: He always told me, “I would like for my people to respect my position and my rank, but more importantly, I want them to respect me as a person first.”

Keep away from people who try to belittle your ambitions. Small people always do that, but the really great make you feel that you, too, can become great.

— Attributed to Mark Twain
(in Morally We Roll Along by Gay MacLaren, 1938)
As you all may be aware, the 79th Legislature is underway, and I am tracking over 40 bills. These bills are all over the spectrum, including collective bargaining, PERS, rights of peace officers, heart and lung, body cameras and other issues relating to law enforcement. Here are a few of the main bills that our coalition is watching closely.

**AB 121 (sponsored by Assemblyman Yeager) and SB 356 (collective bargaining, sponsored by Senator Atkinson):** These bills propose to reinstate step increases even when a contract has expired, make decisions by arbitrators retroactive, ensure that the expiration of the contract does not result in “at-will” or “non-classified” employees and clarify what release time provisions really mean. Our coalition is working on the language for SB 356. This should be heard in early April.

**AB 271 (collective bargaining, sponsored by Assemblyman Carrillo):** This was heard on Thursday, March 23, in the Assembly Government Affairs Committee. I testified on behalf of LVPPA, along with Ron Dreher for PORAN, attorneys Langton and Allen, Rusty McCallister for AFL-CIO, Sheri for SEIU, and many other members of our public employee coalition. This bill revises NRS 288.200 (advisory versus binding fact finding), deleting the word “advisory” and making the decision reached by a fact finder binding. In other words, it would result in a tiebreaker, which at the present time doesn’t exist unless the parties agree to make the findings binding. The legislation would eliminate NRS 288.201, 202 and 203, which describe the EMRB process to have a panel determine whether to make the impasse binding on the parties’ part if one party refuses to do so. The committee’s job now is to vote the bill out of committee and move it to the Assembly floor for a full house vote.

**SB 469 (collective bargaining, sponsored by Senator Parks):** This pertains to SB 168 (25% General Fund required in order to fund compensation — COLA increases). It was introduced as a “committee bill.”

**SB 282 (formerly BDR 539; revises NRS 289 language, specifically 289.085; sponsored by Senator Segerblom):** This would add the words “hearing officer” to who determines whether there is a willful violation of our Peace Officer Bill of Rights. Furthermore, it would require the arbitrator, court or hearing officer to dismiss the entire case against the officer for willful violations of the POBAR, and would require the local or state government agency that willfully violated those rights to pay the legal fees to the officer for those violations. I was able to include NRS 289.057 in this really excellent legislation. We now will seek to remove the language that states "except as included in a CBA" when placing an officer on unpaid administrative leave. If we are successful, no officer will be placed on administrative leave without pay until the investigation is completed. This is awesome legislation and is long overdue.

**SB 176 (body-worn cameras, sponsored by Senator Ford):** This bill was voted out of committee on Monday, March 22. It adds an increased cost to cell phone charges and 9-1-1 calls to pay for the BWC. However, it requires local governments (county commissioners, boards of supervisors, city councils) to enact the increased charges. Secondly, it removes the Highway Patrol from being the only agency that requires the BWC and defines “law enforcement agency” as “The sheriff’s office of a County, a metropolitan police department, a police department of an incorporated city or the Nevada Highway Patrol” and marshals. PORAN and our law enforcement coalition testified in support of this bill.

**SB 223 (immigration enforcement, sponsored by Senator Cancela):** We met with Senator Cancela and expressed our concerns about this legislation. It was scheduled for March 27 in the Senate Judiciary, but the end result was that it will not be heard any further. The bill is dead.
AB 302 (combining Parole and Probation with Corrections): This type of legislation has been introduced every year, and every year we have opposed it. Unless something has changed — and I am not sure that it has — we will continue to oppose this legislation.

SB 403 (sponsored by Senators Manedo and Ford): This bill will provide a 5% increase in pay to Highway Patrol troopers. It remains in Senate Finance at this point and should be scheduled for a P# 15639 hearing soon. NHPA requests that we all support this long-overdue pay increase.

AB 267 (workers’ compensation, sponsored by Assemblyman Araujo and many others): This legislation affects active police and fire members in heart and lung issues. If our officers prevail in denied cases, this legislation will require the insurers to reimburse the costs to the officers, including attorneys’ fees. This was heard on Wednesday, March 29, in the Assembly Commerce and Labor Committee.

Budget hearings on Nevada Corrections compensation and benefits took place on Thursday, March 30, and budget hearings on Nevada Game Wardens (DOW) on Friday, March 31, both in the Senate and Assembly joint committee on finance.

Please sign in to the “Share Your Opinion” page at the Nevada Legislative website at www.leg.state.nv.us/App/Opinions/79th2017/A to register your support or opposition on our priority bills. There is also a link at the Nevada legislative website that will identify who your representatives are: http://mapserve1.leg.state.nv.us/whoRU.

In addition to me, representing LVPPA and SNCOPS, our legislative lobbyists are Ron Dreher, PORAN; Scott Edwards, SNCOPS; Tim Ross, WCSDA; Rick McCann, NAPSO; and Mike Giurlani, NSLEOA. We also have our legislative coalition of over 44 different associations, including SEIU, AFL-CIO, PFEN, CCEA, Teamsters, NSEA, AFSCME, NCA, NHPA, RPEN, WSPA, PPAC, PMSA and more.

As always, be safe out there. If you have any questions, you can email me at mramirez@lvppa.com. VB
In my last article, I explained what the Health and Welfare Trust is and how it works. This time, I want to provide you with some information on specific topics that I think are helpful yet not well known.

**Advance Medical:** Have you ever been to the doctor and felt like you needed some additional input? Advance Medical’s Expert Medical Opinion Program is a new service that will be there for you. It has access to world-renowned experts, who will review your case and work with you and your doctor to ensure that you and your family are getting the best care. Please see the article on page 16 for more details.

Workers’ compensation: Workers’ compensation is a complicated subject. It is something that is being looked at to see how it could be improved. In the meantime, it is important for you to understand how workers’ compensation and the Health and Welfare Trust affect each other. For more information, please take a look at the workers’ compensation article on page 17.

**Behavioral Healthcare Options (BHO) Employee Assistance Program (EAP):** This is a service available through the Trust for you and your family. It is not part of the Department’s PEAP program. You and your family can get in contact with a counselor to talk about anxiety, depression, emotional/personal conflicts, grief and loss, managing stress and change, marital conflicts, parenting, questions about alcohol and drug use, work performance issues and anger management. Up to the first three visits are free. Additionally, BHO can assist you with finding child care, elder care, financial consultation and legal consultation. For more information, visit [www.bhoptions.com](http://www.bhoptions.com), or call (866) 868-1395 and follow the prompts for BHO.

**MeMD:** This service allows you to get medical care online using your smartphone, iPad or other tablet, or personal computer. Those who have used it thought it was very useful for things like the flu, colds, sore throats, coughs, eye infections, UTIs, fever, etc. Your first time is free, and from then on a $15 co-pay applies. To use it, just create a profile on [www.bhoptions.com](http://www.bhoptions.com) and add your kids to it. MeMD will ask you to identify the person the visit is for, using a drop-down box. Create your account now, so when you need some additional input? Advance Medical’s Expert Medical Opinion Program is a new service that will be there for you. It has access to world-renowned experts, who will review your case and work with you

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**POLICE OFFICER TYLER TODD**

*Treasurer*

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- RESPIRATORY INFECTIONS
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- SKIN INFECTIONS
- SORE THROAT
- SPRAINS & STRAINS
- UTIs AND MORE!
Gabe Martinez, a partner in the firm for over 30 years, is renowned for his quality representation of police officers and their families. Toby Yurek, a former police officer of 20 years and now an attorney with GGRM, understands the challenges faced by law enforcement workers and their families. **Together, Gabe and Toby protect and serve the rights of individuals that put their lives on the line every day.**

Do you have the right insurance coverage if you’re injured in an accident? You don’t want to find out when it’s too late.

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In appreciation of their public service, GGRM Law Firm offers LVMPD employees a reduced contingency fee of 25% (regularly 33%)
You hear someone talk about retirement on a daily basis in any department workplace environment. You routinely see countdown calendars or specific dates hanging on a cubicle wall. You hear co-workers excitedly talking about others reaching their retirement goal or living the retired life. Why has retirement become a mythical creature that we all chase through our careers? Well, the answer to that is easy: It signifies the end of a very long, physically demanding and stressful time period dedicated to one organization, location or system. This is because our system is not portable, disposable or liquid — it requires a lengthy commitment to obtain the benefit.

I typically see relief, happiness and satisfaction when someone has reached their date and will begin to enjoy their hard-earned benefits. But sometimes, I see a dark side that I don't understand. Why is retirement so often associated with negatively concluding a career or stumbling to the finish line? Why is there a perception that there is a rash of retirements because of department politics, morale or working environment? Often you see P# 8404 celebrations upon someone reaching their magical date, as if it is a release from a prison sentence and they have survived Shawshank. Is this something exclusive to police work? I don't believe it is, but I do think there are a few factors that make law enforcement retirements more visible and notable within our respective organizations.

1. Our employees are often hired in groups, sometimes large groups. This has the effect of a lot of people reaching retirement eligibility standards at the same time. Take last year as an example. I watched a large number of people I knew retire. This wasn't because everyone became disenchanted and wanted to leave at the same time; it was because the largest Metro academy of the pre-2000 era had turned 25. The double academy 1/91 reached the magical 25-year mark, and unrestricted age eligibility had been met — simple. "I've done my time, I've earned my benefit and I'm ready to go": That is exactly how the system is supposed to work, and how it is set up.

2. Often our employees are older than the general entry-level age of starting in the workforce. With a minimum entry level age of 21 and no maximum, we see people from the private sector enter public service later in life. This results in earlier age eligibility with the required service years that are graduated to allow a combination of age and service time.

3. It is not uncommon for military personnel to conclude one career of service to our country and hire on with our department. This creates situations where people are eligible to retire much earlier with a combination of age and service years. Military personnel are excellent candidates and make up a large part of our workforce.

However you slice it, retirement is a tremendous accomplishment and should be viewed with joy and happiness. It is the time to enjoy the fruits of working hard and contributing to a pension over the entire course of your career. In an effort to make the transition a little easier, I have compiled some of the contact information you will need to begin your journey to the retiree side of the profession. I have also included some of the things you will need to decide and handle to make sure the transition is smooth.

- **NVPERS**: [www.nvpers.org](http://www.nvpers.org)
  - General information, retirement option choice, monthly benefit amount, points of contact
- **Mass Mutual**
  - Purchase of service, rollover options, points of contact
- **UMR**: [www.umr.com](http://www.umr.com) (702) 413-1701
  - Health insurance options, costs, valuable information, points of contact, Employee Benefit Trust, eligible expenses
- **Outside insurance**
  - Life insurance options as a pension recipient

[For more information, visit LVPPA.COM](http://LVPPA.COM/).
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May/June 2017 | VEGAS BEAT 13
Employee morale is an important factor in the success of any business. When worker satisfaction is low, productivity levels fall. Police are no different than any other citizens who work for a living. The question is whether there is a correlation between police morale and rising crime rates.

Ferguson, Missouri, 2014

On August 9, 2014, Ferguson Police Department Officer Darren Wilson shot and killed 18-year-old Michael Brown. Special interest groups and the vocal minority were quick to allege, without facts to support their claim, that Officer Wilson murdered Michael Brown. Riots and protests erupted throughout the country in the following days.

Attorney General Eric Holder dispatched an army of FBI agents to the small Ferguson community to investigate Officer Wilson and the Ferguson Police Department. Deputy Assistant Attorney General Vanita Gupta oversaw the investigations.

President Barack Obama appointed Gupta, the former deputy legal director for the ACLU, to head the Department of Justice Civil Rights Division nine weeks after the Brown shooting. During the Obama administration, the Civil Rights Division investigated numerous police departments, resulting in 15 consent decrees and nine less formal agreements with law enforcement agencies to reform their practices.

After President Donald Trump was elected, Gupta resigned from DOJ to become president of the Leadership Conference on Civil and Human Rights. Upon accepting the position, Gupta stated, “This organization is perfectly situated to address the current assault on civil rights that we are seeing today.”

Grand Jury and DOJ Clear Officer Wilson; DOJ Takes Over Ferguson P.D.

Despite the fact that a St. Louis grand jury refused to indict Officer Wilson, FBI agents marched forward with their investigation. Seven months after the incident, the Department of Justice announced its findings that officers of the Ferguson Police Department engaged in a pattern of violating citizens’ constitutional rights. News headlines throughout the country announced DOJ’s conclusions; however, the DOJ’s disclosure that it cleared Officer Wilson was lost in the message.

DOJ Reviews LVMPD Shootings

In 2011, the Las Vegas Review-Journal published an extensive analysis, which most police considered biased and unbalanced, titled “Deadly Force: When Las Vegas Police Shoot and Kill.” Shortly thereafter, Sheriff Doug Gillespie requested that the Department of Justice Office of Community Policing Services review the Department’s five-year history of deadly force cases and critique its policy and procedures.

On November 15, 2012, DOJ issued a press release subtitled “75 Findings and Recommendations Handed Down to the Department.” During this time, the Department made significant changes to its vehicle and foot pursuit polices. Additionally, the Department’s use-of-force policy was overhauled with an emphasis on de-escalation.

The Department also instituted new Use of Force and Tactical Review Boards with a commitment to critically review deadly force cases. Numerous officers, as a result, have received discipline and faced termination.

Violent Crime Rate in Las Vegas Spikes in 2014

After DOJ’s review and the implementation of LVMPD policy changes, crime rates increased. According to the FBI’s Uniform Crime Reporting Statistics, LVMPD reported a significant increase in violent crimes in 2014. Additionally, LVMPD revealed that violent crime was up 14% in 2016.

FBI Director Addresses the Ferguson Effect

On October 23, 2105, FBI Director James Comey gave a speech to University of Chicago Law School students. In his prepared remarks, Comey spoke to the rise in violent crime in America:

“But I’ve also heard another explanation, in conversations all over the country. Nobody says it on the record, nobody says it in public, but police and elected officials are quietly saying it to themselves. And they’re saying it to me, and I’m going to say it to you. And it is the one explanation that does explain the calendar and the map and that makes the most sense to me.

“Maybe something in policing has changed.

“In today’s YouTube world, are officers reluctant to get out of their cars and do the work that controls violent crime? Are officers answering 9-1-1 calls but avoiding the informal contact that keeps bad guys from standing around, especially with guns? …

85% of law enforcement officers in larger departments said they are reluctant to use force when appropriate.
"I've been told about a senior police leader who urged his force to remember that their political leadership has no tolerance for a viral video.

"So the suggestion, the question that has been asked of me, is whether these kinds of things are changing police behavior all over the country.

"And the answer is, I don't know. I don't know whether this explains it entirely, but I do have a strong sense that some part of the explanation is a chill wind blowing through American law enforcement over the last year. And that wind is surely changing behavior."

Upon hearing Comey's comments concerning what was described by the media as the “Ferguson Effect,” the White House criticized his speech as being speculative. Comey remained resolute in his thoughts, and doubled down three days later in a speech to the International Association of Chiefs of Police. Comey’s prepared comments were almost identical to the remarks given to the law students.

On the following day, October 27, 2015, President Obama spoke to the same IACP conference attendees. In an apparent response to Comey’s speech, Obama stated, “We do have to stick with the facts. What we can’t do is cherry-pick data or use anecdotal evidence to drive policy or to feed political agendas.”

Despite the apparent criticism from the president and attorney general, Comey did not back down from his comments, and the nation’s cops later backed him up.

On a local level, Sheriff Joe Lombardo told the Review-Journal, "I have to push back. As the leader of this agency, I’m not in agreement with those comments … I don’t see my police department, my police officers, actively de-policing in addressing the crime that’s occurring in their community." In conclusion, Sheriff Lombardo blamed the rise in crime on staffing shortages.

**National Survey of Police Officers**

Seven months after Director Comey’s remarks, the Pew Research Center, a nonpartisan fact tank, conducted a survey of almost 8,000 police officers nationwide. The report, *Behind the Badge*, documented police attitudes toward job-related issues.

Most officers (86%) feel that the high-profile shootings that have occurred in the last few years have made their jobs more difficult. As a result, 85% of law enforcement officers in larger departments similar to LVMPD are reluctant to use force when appropriate.

Of those polled, 72% stated that officers in their department are less willing to stop and question suspicious suspects. Not surprisingly, 93% of cops worry more about their safety.

About 86% of the respondents believe that the public does not appreciate the risks that police officers face every day. Approximately 56% of the officers said they have become more callous since putting on the badge. Finally, only 42% of the officers receive satisfaction from the work they do for the community.

These poll results certainly validate Comey’s assertion that some police officers are less inclined to engage the criminal element. The findings raise serious questions regarding law enforcement’s morale and effectiveness in combating violent crime.

**Crime Is Up and Arrests Are Down in Los Angeles — Patrol Like a Fireman**

According to a recent Los Angeles Times story, L.A. County violent crime is up for the third straight year, including a 38% spike in 2016. Yet arrests and suspect contacts have decreased dramatically since 2013. LAPD reported a 25% drop in arrests between 2013 and 2015. Statewide arrests were the lowest in 50 years.

Additionally, police wrote fewer citations and recorded fewer field interview cards. Field interviews conducted by L.A. County Sheriff’s deputies declined by 67% during 2012 and 2016. LAPD issued 269,500 misdemeanor citations in 2015, compared to 600,000 in 2010. LAPD officers caught officials’ attention in 2015 when they recorded 154,000 fewer citations than the previous year.

Politicians scrambled to explain the dramatic decrease in policing by pointing to legislation that made many drug and property crimes misdemeanors. Others blamed budget cuts that led to the elimination of numerous gang enforcement squads. Still others claimed that staffing levels contributed to the declining statistics.

However, many police officers pointed to the Ferguson shooting as the reason for change. An L.A. County Sheriff’s Deputy told the paper, “Look, I’m just going to act like a fireman. I’m going to handle my calls for service … but going out there and making traffic stops and contacting persons who may be up to something nefarious? I’m not going to do that anymore.”

LAPD Chief Charlie Beck seemed to be in denial when he told the reporter, “I’d be denying human nature if I didn’t say police are very cautious about what they do now because of the scrutiny. I don’t really see things that make me think that the workforce as a body is retreating. I don’t see that at all.”

Melina Abdullah, the local Black Lives Matter leader, found a silver lining to the drop in police–citizen contacts, stating, “If police are more cautious about making arrests that might be controversial, making arrests that might elicit protests, then that is a victory. We want them [police] to begin to check themselves.”

**Conclusion**

Without conducting a scientifically reliable survey of LVMPD officers, it is not possible to determine whether police morale has played a role in the increase of violent crime in Southern Nevada. In fairness, the protection of our community is a responsibility shared by both police and prosecutors. The district attorney must also aggressively prosecute those who prey upon our citizens.

That said, this article should raise serious questions about whether officers are motivated to give 100% effort every day. To borrow a phrase from FBI Director James Comey, is there a chill wind blowing through LVMPD?

Have the Department’s restrictive policies caused officers to be less proactive? Are officers less likely to engage suspects because of the microscopic examination of their actions by multiple review boards? Do officers fear termination or criminal prosecution by those who are quick to second-guess their decision to use force? These questions can only be answered by the men and women of Metro.

One takeaway from this article should be crystal clear: Your PPA representatives and I want you to do whatever is necessary to go home safely to your family, each and every day. Let us worry about the legal issues; we have your back. V B

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Advance Medical provides an Expert Medical Opinion Program that gives you access to world-renowned doctors who are chosen specifically for you and your specific situation. These experts provide a review and recommendations about your diagnosis and treatment plan, or simply answer your questions. This is all done quickly and without the need to travel to another state for answers.

Why should I contact Expert Medical Opinion about my condition instead of talking to my doctor?

Expert Medical Opinion supplements your relationship with your doctor; it does not replace it. Our research shows that during an office visit, a patient hears less than half of what’s said, which means patients often leave appointments with unasked or unanswered questions. We help fill that gap.

When you work with our team, you have unlimited opportunity to get your questions asked and answered — no more waiting for a follow-up appointment, and no additional copayment.

Isn’t it easier to “fill the gap” on my own by going online and researching it myself?

Although there are lots of websites to get health information online, the information tends to be generalized. When you call us, you connect directly with a physician case manager who provides tailored and specific information for you, your specific diagnosis or health concern.

For example, one of our physician case managers recently worked with a very stressed-out single mom who kept getting calls from the school nurse asking her to pick up her son due to a chronic condition. We helped the mom identify alternate providers and treatment options to manage the child’s condition more effectively and reduce the number of doctor’s visits, sick days and emergency dismissals. Mom reports that she has much more peace of mind knowing that her son is having a healthy, productive and fun day at school. I’m not sure she would have received that kind of support or information online.

So is the program just for second opinions?

Our services extend beyond second opinions. For example, if a patient isn’t getting the support he or she needs from the current doctor, we can help identify new providers within your PPO network and get an appointment. We also help patients understand the treatment options that are presented to them or suggest alternative options to consider. And, with a patient’s consent, we serve as an advocate through doctor-to-doctor conversations. Our goal is to make sure our patients have the information they need to make the best decisions for their circumstances.

The Expert Medical Opinion Program is provided through Advance Medical, which is an independent third party and not affiliated with any insurance company. Participants of the LVMPD Employee Health and Welfare Trust have access to the Expert Medical Opinion Program at no cost. To learn more about how Expert Medical Opinion, provided through Advance Medical, can help you or your family get the information and care you need for any medical condition — from the simple to the complex — call (855) 201-9884, email lvmpd@advance-medical.net or visit www.advance-medical.net/lvmpd.
If you are injured on the job or are diagnosed with an occupational illness, it is your responsibility to file a timely workers’ compensation claim. You should understand that, if you fail to appropriately file a workers’ compensation claim, or if you miss any of the statutory timeline requirements related to filing, receiving care or appealing your claim, the Trust will also deny all related medical services under your medical plan.

To learn more about the statutory timelines and your rights under workers’ compensation, refer to the information posted on the Department’s intranet or the posters posted in or near your location, or contact the Workers’ Compensation Detail by calling (702) 477-7010 or visiting their office at Headquarters, Building B, on the fourth floor.

Requirements Under the Trust

The Las Vegas Metropolitan Police Department Employee Health and Welfare Trust Plan does not cover work-related illnesses or injuries. However, if you have signed and fully cooperate with the Plan’s Third-Party Repayment agreement and Third-Party Recovery Rules, the Plan may provide you with interim, conditional coverage while you diligently pursue your workers’ compensation claim. Be aware, the Plan is entitled to be repaid for all services paid for by the plan from any workers’ compensation recovery (settlement) you receive. In order for the LVMPD Health and Welfare Trust to consider payment for your medical care while you are pursuing a workers’ compensation claim, you must submit the following to UMR:

- A copy of the C-4 form
- CCMSI’s letter denying your workers’ comp claims
- A copy of the filed request for hearing form or scheduled hearing date letter
- Completed and signed Third-Party Repayment Agreement

You and your attorney (if any) must fully cooperate with the Plan’s third-party recovery efforts, with updates and information regarding the workers’ compensation claim, and any settlement. Once the signed and completed Reimbursement and Repayment Agreement is received, your claim may be paid while you continue to pursue the workers’ compensation claim.

Contact Melena Florence with UMR to obtain the Reimbursement and Repayment Agreement at (702) 242-7826. She will continue to be your liaison between the Las Vegas Metropolitan Police Department Employee Health and Welfare Trust and CCMSI.

If your case is accepted as a compensable workers’ compensation claim, it is imperative that you contact Melena Florence with UMR immediately so that she may begin the recovery process. If the denial is upheld, please notify Melena Florence at UMR immediately. UMR will work directly with CCMSI, the workers’ compensation carrier.

Please note: If you accept a settlement and/or close your claim with CCMSI, any future services related to that injury or illness will not be covered under your medical plan (the Trust). Claims will continue to be classified as work-related regardless of the status of your claim with CCMSI. If you feel you need further medical treatment, you must contact CCMSI. Please read the settlement and closure agreements very carefully, as your reopening rights are explained to you in those documents. VB
STAN OLSEN
Retired LMPD and President, Metropolitan Police Museum and Historical Society

Sheriff Sam Gay and Las Vegas Night Watchman Joe Mulholland

Sam Gay was the second sheriff of Clark County. He took office in 1911 and served, off and on, until 1931. Sam was born on Prince Edward Island in Canada in 1860, but grew up in Massachusetts. After years working on farms, he began working as a motorman and conductor for the San Diego Electric Railroad. When the news came that you could get rich in gold, Gay spent a year in Alaska Gold Rush mines, but he was unsuccessful in his efforts to get rich and returned to San Diego. In about 1901, he began his first job in law enforcement as a city marshal on Coronado Island, California, but soon thereafter left for Goldfield, Nevada, where he worked first in the gold mines and then as a bouncer at a saloon called the Northern Club.

It was 1905 when Sam Gay moved to the unincorporated railroad town known as Las Vegas. Gay began working as a bouncer at the Arizona Club. The Arizona was in the area known as Block 16 and would become 219 N. First St. Block 16 was bordered by Stewart to the north, Ogden to the south, First Street to the west and Second Street to the east. This was a tough area that needed tough men to control it. At the time, the township of Las Vegas was still part of Lincoln County and therefore under the law enforcement responsibilities of Lincoln County Sheriff Jake Johnson. Sheriff Johnson appointed the town watchman. As it was only a township, “police officer” was not an appropriate title, but the work was the same.

One of the first to be chosen as watchman was Joe Mulholland, who was still new to the job when he confronted William McCarthy in Frye's Saloon one evening. McCarthy was a frequent visitor to the saloons and prostitutes in Block 16. On this evening, Mulholland and McCarthy were in a heated exchange over ownership of a ring. The situation escalated to the point where Mulholland punched McCarthy, then arrested him and took him to the jail. Mulholland apparently had a soft side beneath his tough exterior. He decided to release McCarthy because he felt the damp jail was not a place to keep a man all night. A short time later, Mulholland was appointed presiding judge. It was District Court Judge Horsey who decided to dismiss the case when Gay apologized, promising never to drink again. In spite of Smith, the new sheriff of Lincoln County, Gay handled the southern portion of the county. Charles Corkhill was appointed Lincoln County sheriff after the resignation of Smith, and Gay became his deputy. Then, in 1909, the Nevada State Legislature divided Lincoln County in half and named the lower half Clark. Corkhill became the first sheriff of Clark County, with Sam Gay remaining as his deputy. Their working relationship was not to last, because Gay was a drinker and liked to fight. Corkhill felt that made his law enforcement efforts look bad.

In 1910, the jail was on First Street. It had no windows and was a miserable place to be in the summer. On one particularly hot day, Deputy Gay took it upon himself to move all the prisoners out to the old Las Vegas Ranch. There, he chained them to the cottonwood trees in the shade for the rest of the day. Corkhill had had enough and blew his cork over the event. In fall 1910, Sam Gay ran for sheriff against Charles Corkhill and defeated him, becoming the second sheriff of Clark County.

In 1911, the Nevada Legislature passed a law creating the City of Las Vegas, and Clark County Sheriff Sam Gay was appointed as the Las Vegas marshal (chief). He would operate in that dual capacity until 1914.

As pointed out earlier, Sam Gay was tough. He was a drinker and a person to avoid if possible. It was a Wednesday evening, May 26, 1915, when Gay, who was on one of his drinking binges, started shooting out the lights on Fremont Street. The district attorney at the time was Albert Henderson, and he had Gay arrested for gross intoxication. In the previous year, the 10th Judicial District had been created, encompassing both Lincoln and Clark counties, and Charles Lee Horsey was appointed presiding judge. It was District Court Judge Horsey who decided to dismiss the case when Gay apologized, promising never to drink again. In spite of his behavior, shooting up the town and being arrested, he was able to remain as both sheriff and Las Vegas chief of police.
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.

CALENDAR

May 14    Mother’s Day
May 14–20 National Police Week
May 29    Memorial Day
June 1    Second Quarter General Membership Meeting, 5 p.m.*
June 18   Father’s Day

*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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Giveaway #1: One $250 prize
Members who find the hidden number in this issue of Vegas Beat and register through www.LVPPA.com will be entered into a drawing for $250. You must enter by Wednesday, June 7, 2017, 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!

Excludes P#s listed in Retirement and Fit for Duty 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

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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 and 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. A payroll deduction form is available online at www.lvppa.com/leaf-charities. Just print out the form, fill it out with your deduction amount in block 5200 under LVPPA Metro Charities, and then send it in a 1000 miler to the LVPPA for processing. LEAF hopes that you will never need this, but will be here when you do.
# Las Vegas Metropolitan Police Department

## Payroll Recurring Deductions Sheet

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**Employee Signature & PN**  
(Sign name as it appears on paycheck)  

**Representative Signature**  
(Date)  

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