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VOLUME 13 | ISSUE 4

November/December 2018

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9330 W. Lake Mead Blvd.  
Suite 200  
Las Vegas, NV 89134

**General information:**

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**Fax:** (702) 384-7989

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**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





# President's Message

**DETECTIVE STEVE GRAMMAS, PRESIDENT**

## Being Thankful

This issue marks the last *LVPPA Vegas Beat* of the year. This magazine will reach our members in November and carry us through December and into 2019. I hope when you all read this that it finds you gathered around your friends and family either eating some turkey or opening up presents.

The holidays have always been a special time to me. Ask those closest to me when I start listening to Christmas music, and the people who really know me will say, "He never stops." I love the feeling the holidays bring. Every year, I am always so thankful for my family and friends and for all of the men and women who sacrifice their own personal safety for the betterment and protection of others. Usually, I take a moment to think about the people who spend their holidays sitting in a patrol car going call to call instead of being at home with their loved ones. I also think about the officers working the decks at the jail, trying to make a decent holiday for the inmates while their families sit at home waiting for their return. Many people in the PPA membership spend their holidays in the very ways I just described. They do it, not for the thank you or the pat on the back, but so that others can safely enjoy their holidays without worrying about evil coming to their doors.

During my time as an officer, I spent holidays pushing a car doing calls for service while my kids ate Thanksgiving or Christmas dinner without me.

It would be amazing if all crime could stop for just one day to allow all people to be able to spend time with the people who mean the most to them. But we all know that will never happen. Every year, every holiday, someone must stand guard to protect our community. I know there are times when it seems like the community doesn't support us. But trust me, the large and overwhelming majority supports and thanks you all for the work you do. They don't go on TV or the radio and profess how much they love and appreciate you. They do it quietly, at home, while they sit with their families. They know it's because of your hard work and sacrifice that they can enjoy the holiday season.

Law enforcement isn't for everyone. We all know that. We know many people who didn't make it through the training to become an officer for some reason or another. I like to think that it's pretty simple: You don't choose police work; it chooses you. It isn't just about receiving a paycheck and benefits or getting to drive fast in a cop car. It's a calling that draws you to serve others. Serving your fellow men and women in this community means more than a pension or vacation days. I think a career in law enforcement is one of the noblest careers anyone could have. And although you all do not hear it enough, our community owes you all a giant thanks. I also owe you thanks for allowing me to be your president. I hope this year, and many years to come, to continue to make you all proud of the job I am doing on your behalf. I am very grateful for this opportunity and will never take it for granted. That is my promise to you all.

On behalf of the Executive Board, the PPA staff and myself, we hope you have a wonderful Thanksgiving, a merry and happy holiday and a happy new year. **VB**

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# Looking Ahead

## **CORRECTIONS OFFICER SCOTT NICHOLAS**

Vice President

Here are some things to think about, based on issues that have come up in the past year.

### **Driving**

- If you hear something, say something. If you don't see any damage, but heard a noise indicating that you may have been involved in even the smallest collision, notify your supervisor so you don't get in trouble down the road.
- Watch your speed! BWCs pick up your speedometer when driving code and when driving normally.
- Cellphone usage while driving violates policy. Even if you are receiving texts from your supervisors, it's still going to get you into a jackpot if you are caught, so pull over. No one has been given an SOC for using their cellphone while stopped.
- Vehicle inspections. Fill them out, and mark all damage prior to the start of your shift. There have been many instances when people have been blamed for damage they didn't cause because they didn't take the time to do a thorough vehicle inspection.
- Remember that our Department has the ability to track your vehicle with GPS, and even print out where you have been! Keep that in mind.

### **UOF Reports**

- If you write one, do so on a Word document before copying it to blue team, and make sure there is one report that has been approved by your supervisor before transferring it to blue team.
- Watch your video. You all have the right to watch video prior to writing your report. Take the time to watch it as many times as necessary before finishing your report.
- Ask for help! There is no shame in asking a supervisor to help you articulate what happened. Call the PPA and ask for help if you are uncomfortable asking someone else. If you are a member, we will help you.
- Choose your words wisely. Too often, officers say things like "I grabbed his right arm," when in reality, they only "took control of his right arm," or they say something like "I threw him on the ground." I've never watched a video where an officer actually "threw" someone to the ground.
- Never omit things from your report that you see on video. It's much easier to explain your actions than it is to explain why you failed to report them. The Department will file an SOC for truthfulness if this happens.

### **Ammunition**

- Make sure you count your rounds when you load magazines. If you load magazines to capacity, you may unknowingly jam in an extra round. Policy says you have to know how many rounds you carry in each magazine.
- Make sure you download all practice ammo P# 10003 after shooting your qualifications.

### **Being Prepared**

- Preplanning is very important. If you are with a partner when driving to a call, be sure to discuss your plan of action. Talk about things such as contact and cover, crossfire, slowing things down and, if time allows, de-escalation and tactical L.
- Don't record things that are unnecessary. Come into the PPA and get one of the BWC cards that I made last year that tell you when you can turn your camera off. Remind your partners to turn their cameras on and off. It's not a secret, so ask them aloud whether they are rolling film.

### **Understand the Elements of Deadly Force**

- You should know what the elements of deadly force are prior to pulling the trigger. Refresh yourself on what things such as ability, opportunity and imminent jeopardy really mean. If you understand these terms when confronted with a deadly force situation, you will not hesitate to make that split-second decision on whether to use deadly force.

### **Social Media**

- Think before you post anything work-related on Facebook. I often see officers and supervisors post stupid things that could be perceived as inappropriate. Some may get away with it, others will not, so be careful what you say or do online.

### **Cellphones**

- Cellphones are getting many officers in trouble throughout the year on both sides of the Department. If you are working the hospital for CCDC and are caught using your phone for non-work-related functions, be prepared to get an SOC.
- If you text, make sure it's not something that will get you in trouble down the road. Even if it's just harmless joking now, it could come back to bite you later. Officers love to take screenshots of things you send them, and they usually save them, so be careful.

As always, be safe and thank you for your membership. Never lead by fear. **VB**



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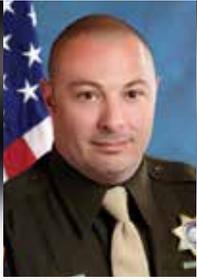


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# Upcoming Changes to LEAF Charities

**POLICE OFFICER BRYAN YANT**  
Sergeant-at-Arms

Based on a change in direction, the PPA's Law Enforcement Assistance Fund (LEAF) Charities will soon be implementing new ways of providing financial assistance to survivors and those in need, while also giving members more tangible benefits like never before.

President Steve Grammas and the LEAF board have been working hard to create a LEAF Charities fallen officer memorial scholarship fund. This scholarship will be available to two active PPA members' children for use toward their college educations. Applicants will be required to submit a written essay to the LEAF Charities board, who will then review all submissions and select two winning recipients. The goal of the LEAF Charities fallen officer memorial scholarship fund is to disperse two \$5,000 awards and, in the future, provide additional funds or scholarships.

We need you, the membership, to help. LEAF Charities is a 501(c)(3) charitable organization and is dependent on donations to survive. This is where you can help. If every member were to donate just one dollar (or more) per check, it would do wonders! A single dollar from every check could raise almost \$5,600 for LEAF each month. Please consider making a one-time or recurring payroll

deduction to LEAF (see page 22 for more information). Below are some of the benefits provided by LEAF Charities.

LEAF Charities offers financial relief to the surviving families of fallen Las Vegas Metropolitan police officers, deputy city marshals and municipal court marshals killed in the line of duty. Assistance is offered in several forms:

- College: Both the children and spouses of fallen officers are eligible for college support. LEAF Charities currently covers the cost of in-state tuition. The LEAF board is working to establish partnerships with out-of-state institutions to receive comparable tuition rates in the future.
- Holidays: Children under age 18 may receive up to \$500 worth of holiday gifts.
- Birthdays: Children under age 18 may receive up to \$250 worth of birthday gifts. The PPA keeps a record of dependents' birthdays and purchases presents, which are then wrapped and delivered to the families' homes.
- Unforeseen needs: Up to \$1,000 in emergency cash may be disbursed after the death to cover immediate needs, such as food, lodging and transportation.
- Other: Various other programs are supported to assist children's and member's athletic teams, events and other board-approved charitable activities and organizations. **VB**

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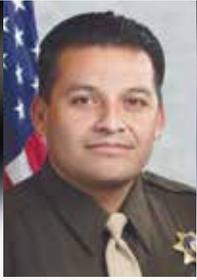
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# California's AB 931: Not on Our Watch

## POLICE OFFICER MIKE RAMIREZ

Director of Governmental Affairs

I often hear from our members and citizens that they do not want Nevada to be in the same situation as California is with all the recent legislation regarding its criminal justice system. In September, I was invited to attend a conference of major California unions about the many proposed laws that they have been fighting in their state this past year. Of these, one in particular stood out: Assembly Bill 931. Drafted when emotions were high after an officer-involved shooting in Sacramento, this bill attempted to change the last 30 years of deadly force standards established by the U.S. Supreme Court in *Graham v. Connor*.

According to David Blake, a writer for **PoliceOne.com**, the proposed changes under AB 931 would remove and/or add language to California Penal Code sections 196 (Justifiable Homicide by a Peace Officer) and 835a (Use of Force) to "require peace officers to attempt to control an incident by using time, distance, communications, and available resources in an effort to deescalate a situation whenever it is safe and reasonable to do so." The language changes appear to defer most of the evaluative criteria of section 196 (Justifiable Homicide) to an enhanced version of section 835a.

Most of the controversy from the law enforcement side stems from the use of the word "necessary" in AB 931. Why is that a big deal?

The proposed version of section 835a defines "necessary" as: "given the totality of the circumstances, an objectively reasonable peace officer would conclude that there was no reasonable alternative to the use of deadly force that would prevent imminent death or serious bodily injury to the peace officer or to another person."

"Totality of the circumstances" is defined as: "All facts known to the peace officer at the time, including the actions of the subject and the officer leading up to the use of deadly force."

"Reasonable alternative" is then defined as: "tactics and methods, other than the use of deadly force, of apprehending a subject or addressing a situation that do not unreasonably increase the threat posed to the peace officer or another person. Reasonable alternatives may include, but are not limited to, verbal communications, warnings, de-escalation, and tactical repositioning, along with other tactics and techniques intended to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of deadly force."

"Yet," Blake writes, "AB 931 does not remove the section 835a language

concerning officers not being required to retreat or desist, or being deemed an aggressor when using reasonable force to effect an arrest. How can one be told in the same paragraph that they must de-escalate and create distance, but that you do not need to retreat/desist and won't be deemed the aggressor?"

What this would mean is that they would then question whether it was *necessary* to shoot instead of whether it was *reasonable*. This wording would make it easier for social justice groups who are pushing for subpoena power in many California jurisdictions to misjudge an officer's decisions with no use-of-force training. This vague P# 00629 term would also put power in the hands of perpetrators who wish to harm police officers.

Fortunately, AB 931 did not pass, but California union leaders see this as a continual battle that they will have to fight during every legislative session. A similar bill was brought forward in Seattle as well. Make no mistake about it, if a bill like this ever passes, it will not be long until similar legislation comes to Nevada. But I can promise you this: As long as I'm in Carson City as your LVPPA representative, I will fight any legislation that is brought to Nevada that would change your ability to use deadly force as spelled out in *Graham v. Connor*. My promise to you is "Not on my watch."

Please stay safe out there, and feel free to contact me anytime via email at [mramirez@lvppa.com](mailto:mramirez@lvppa.com) or cellphone at (702) 373-1006. **VB**

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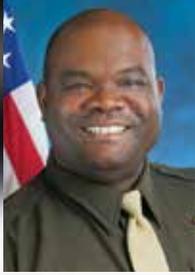
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# Safest Jail in America?

## CORRECTIONS OFFICER MYRON HAMM

Director of Corrections

I recently had a conversation with a fellow officer and good friend, and he asked for my opinion about us having the title of “safest jail in America.” He asked, “Are we really the safest jail in America or is that a goal that the LVMPD wants us to reach?”

My dad used to always tell me that when I was solving a problem to remember that the shortest distance between two points is a straight line. When I began my career, the numbers of assaults on staff were at a minimal compared to today’s stats. In 2017, there were 126 reported assaults on staff, and as of today (August 31), there have been 78. I am going to venture a strong guess and say that when I first started this job 19 years ago, the most incidents we ever had in a year was between five and 10. I think the problem lies with society and its growing lack of respect for law enforcement.

Just recently, I read that a California Highway Patrol officer sustained two broken legs when a drunk driver hit him. This was the driver’s second DUI, and she had no valid driver’s license or insurance. She received probation, and the officer was sent to rehab to recover from his injuries so that he could return to a normal life. This is no different from how an officer working in the Clark County Detention Center is treated on a daily basis; they are assaulted regularly (e.g., spit on, punched, kicked, choked, etc.). When this happens, the officer will generally want to re-book the assailant. I have done many of these re-bookings and, unfortunately, they are usually dropped or not pursued. I have heard supervisors say, “Well, it won’t do any good to re-book him for it, we will just CAB him.” It is a defeated feeling, knowing that your supervisor, or his supervisor, does not have your back. Oh sure, it is said over and over again that the safety of the staff is a top priority. Pardon me if I am a bit skeptical about this statement being genuine. It is a hard statement to believe when we are all not treated equally.

A few years ago, a policy was established that stated no one would be allowed to enter the detention center through the South Tower lot. It mandated that all employees enter post through the 20th or the 12th floor. I was told that this would ensure our safety and give us better control over who comes into the facility. The only people being inconvenienced or affected by this brilliant safety measure would be the officers who put their lives on the line every time they put on their uniforms. There are people working in CCDC who do not enter the

building through the so-called designated post unless they wear a badge. How about the fact that the central booking posts have been cut? It seems the only real concern is money, not safety. So now, someone in their infinite wisdom has found a way to make us all safe and ensure that we are staffed to do our jobs.

Bring on the new detention officer position. What a concept — let’s hire someone at a cheaper rate and allow them to have access to and work in our facility because, after all, anyone can do this job; you don’t have to be smart dedicated or motivated to do what our officers do on a daily basis. The message is clear: Whoever believes this idea has no respect for what our hardworking men and women do. They have no concept of what it is like for our officers who, despite working hard, are being treated with a lack of respect from those responsible for ensuring their safety at work. I have heard that we cannot get enough qualified candidates. Are we even trying? Do we have recruiters who are targeting individuals to work in the corrections field? How much effort is being put into it, really? If the effort put into hiring C.O.s was the same as the effort put into staffing the D.O. position, we might actually get interested candidates.

How many times over the years have we seen or heard of officers at CCDC bringing cellphones to or doing favors for inmates? *Never*. We have had attorneys come into our facility and have inappropriate relationships with inmates, but they are able to compromise our safety and security and life goes on. Think about the prison in Baltimore or the stories coming from NSP where officers are bringing in drugs, cellphones or other contraband. The difference between those places and us are our standards and the negotiated pay we receive. We do not have officers accepting bribes because we are paid a fair and comfortable wage. Imagine if lesser-trained and lower-paid individuals were brought in. Not only would lowering our standards compromise our safety, but it would also send a message to us that someone does not respect what we do.

The timing of this article is horrible. Over the past month, I have heard nothing but rumors and everyone denying any knowledge about this new concept. Imagine to my surprise when I heard that the LVPPA had been informed and was on board with it. Nothing could be further from the truth, and I am thankful that our members understand that we will always do what is best for the careers of the fine officers we represent.

My grandfather once told me that he sold an old car to a guy who did not have one, and the guy was so happy to get the car that he did not realize he was getting a piece of crap. In short, please do not attempt to sell us an old clunker and convince us that it is a Ferrari. On a personal note, I take pride in what I do and what I have done. I take pride in being a professional and having personal standards that outweigh any thought of wrongdoing. I now liken this job to the NFL. Over the years, many steps have been taken to change, limit or conform this job to a different standard, but to the same outcome. The game of football has changed, and the defense has to handle the offense with kids gloves. Rules are set every year to ensure the protection of the offense, but the defense is left to get the job done while facing more and more restrictions. In my opinion, we are the defense, and we are tasked with getting the same results while enduring a revolving door of rules and changes. Safest jail in America? I would settle for the safest in Nevada. Maybe in the future it will be possible to reach that goal under the glaring set of standards and ideas with which we are now faced.

In closing, I would like to state that demanding respect while expecting others to follow leaders who think fear and intimidation are great leadership tools is a horrible way to lead. I recently was made aware of a supervisor who stated that in order to get people to follow your rules, they need to be afraid of you. A wise man once told me, “Leaders don’t force people to follow; they invite them on a journey.” **VB**

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# Association Events: Giving Back to Our Members

## BRIAN GRAMMAS

Treasurer

With the end of the year approaching, I want to recap our most recent family event and provide a preview of our next one.

### Trunk or Treat

The PPA hosted its annual Trunk or Treat on October 26. We put in a ton of hours to make this year's event even better than last year's. Last year we did a haunted house in the basement, and while our members had a great time, they wanted us to step up our game. This year, we're proud to say that we *did* up our game. We recruited the people who put on the Fright Dome and Laura Paletta from our office to help with the haunted house, which, in my opinion, was up there with the haunted houses that you pay for around town. I like that in addition to a scary house, we do a not-so-scary house for the little kids where we turn on the lights so that they can go room to room and see the different scenes. We also had bounce houses and carnival games, and 911 Tacos was there to provide food, joined



alongside 28 vendors who passed out candy to the kids! Other activities we had included cupcake decorating and Halloween movie screenings.

### Santa Day

We will be hosting our annual Santa Day on December 1 (see page 15 for details). Once again, 911 Tacos will be there serving pancakes with sausage and bacon, and a coffee truck will be serving coffee and hot chocolate. There will be plenty of activities, including a Christmas train for the kids to ride and screenings of children's holiday movies in the conference room. Also, saving the best for last, we will have Santa here at the

PPA, and you'll be able to take pictures with him in our special Santa room. This room was hand-painted by retired CO Jessica Nicholas, and it looks great for Christmas pictures.

Here at the PPA we strive to give back to our members, and events like these do just that. I hope our members and their families take advantage of the Association events we offer throughout the year. Come down and experience the fun that awaits! **VB**

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# Many thanks



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# Know the Rules About Post-Divorce Health Coverage

**JOHN ABEL**  
Secretary

I was recently appointed as a board member to the LVMPD Health Trust. During a recent meeting, I was made aware of an issue that may not be well known, but I feel our officers need to understand it because it can have a major financial impact in the unfortunate event of a divorce or the breakup of a domestic partnership. Do you know what to do if your divorce decree says that you must provide your ex-spouse P# 16764 with health insurance? Many officers may wrongly believe that they can keep their ex-spouse on the LVMPD Health Trust insurance plan if their divorce decree states that they must provide their ex-spouse with health insurance. In reality, you must disenroll them and pay for another type of coverage such as COBRA, or buy insurance through the open market. After speaking with our Health Trust administrator, Kelly Taylor, I have outlined some key points below to consider.

The following are eligible dependents as defined in the plan:

- Spouses and domestic partners certified by the State of Nevada (same and opposite sex)
- Natural-born children under the age of 26

- Stepchildren or children of your domestic partner under the age of 26
- Legally adopted children under the age of 26
- Children under your care as a legal permanent guardian until the age of 18

If you are going through a divorce, please keep in mind that once the divorce or dissolution of a domestic partnership is finalized (on the filing date), your ex-spouse or partner and any children of theirs are now ineligible for coverage as your dependents. Natural-born children and adopted children of yours remain covered.

Why is this so important to pay attention to? We have found that many couples make concessions in working through a settlement, and one common way is to have one party "continue to cover" the other on their insurance. The *only* way an ex-spouse or domestic partner (or a soon-to-be ex) can continue on the plan is by electing COBRA, regardless of what your divorce decree may state. Your ex and their children's eligibility is terminated on the date that decree is filed. A divorce or the dissolution of a domestic partnership is considered a qualifying event. If you do not notify UMR and coverage continues, you are financially responsible to repay all claims incurred by the eligible dependents, and you are not entitled to a refund of any contributions paid into the Trust. If you do not notify UMR in a timely manner, you and your ex will also forfeit the ability to elect COBRA. UMR must be notified of *all* divorces or dissolutions of domestic partnerships within 31 days of the qualifying event.

If a response to the Trust's request for repayment or arrangements for repayment is not made, the file is then referred to the Trust's attorney (within 60 days of the initial notice to you), and interest and legal fees will be added to the balance owed.

If you ever find yourself going through one of these scenarios, please call either me or Kelly Taylor to help in your decision-making process. The last thing you want is to owe the Health Trust thousands of dollars because you did not understand the regulations. **VB**

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*to the contest winners  
from the last issue!*

**September/October**

**Hidden Symbol Contest (\$250)**  
Elizabeth Quintero, P# 9494

**P# Contest (\$50)**  
Victor Valles, P# 14712

# INJURED?



**CALL - 702.380.2840**

## INJURED POLICE OFFICERS FUND

The Injured Police Officers Fund may cover actual expenses accrued as a result of an on duty injury or death.

These include but are not limited to the following:

- \*Lost wages
- \*Replacement of damaged equipment not furnished by the member agency
- \*Spouse/significant other lost wages
- \*Other expenses on a case by case basis

All claims are submitted to the board of directors for approval of reimbursement.

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**DAVID ROGER**  
General Counsel

## How Long Is Too Long?

Officers frequently ask whether they may exceed the one-hour vehicle stop restriction set forth in Nevada's statute. The following discussion will address this issue.

The U.S. Supreme Court's opinion in *Terry v. Ohio*, 392 U.S.1, 88 S.Ct. 1868 (1968), is codified by NRS 171.123:

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.

The length and scope of a stop is limited by the purpose of the investigation. While there is no bright-line rule, a reviewing court will examine the reasonableness of the officer's investigative steps: "In assessing whether a detention is too long in duration to be justified as an investigative stop, we consider it appropriate to examine whether the police diligently pursued a means of investigation that was likely to confirm or dispel their suspicions quickly, during which time it was necessary to detain the defendant. A court making this assessment should take care to consider whether the police are acting in a swiftly developing situation, and in such cases the court should not indulge in unrealistic second-guessing. A creative judge engaged in *post hoc* evaluation of police conduct can almost always imagine some alternative means by which the objectives of the police might have been accomplished. But '[t]he fact that the protection of the public might, in the abstract, have been accomplished by "less intrusive" means does not, itself, render the search unreasonable.' The question is not simply whether some other alternative was available, but whether the police acted unreasonably in failing to recognize or to pursue it" (citations omitted). *United States v. Sharpe*, 470 U.S. 675, 686, 105 S.Ct. 1568, 1575 (1985).

The court in *Beckman v. State*, 129 Nev. Adv. Op. 51, --- P.3d --- (2013), recognized that officers must conduct certain investigatory tasks during traffic stops that do not render the detention unreasonably long: "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).

*Gama v. State*, 112 Nev. 883, 920 P.2d 1010 (1996), is an

example of a constitutionally sound traffic stop. In *Gama*, a NHP trooper learned that Gama might be transporting drugs in rural Nevada. The trooper observed Gama's vehicle and followed it for several miles. During that time, while waiting for drug interdiction officers to arrive in the area, the trooper observed Gama violating several traffic laws. Once a K-9 officer caught up with Gama, the trooper initiated a traffic stop. While the trooper issued Gama citations, the K-9 inspected the exterior of the car and signaled there were drugs inside. Police arrested Gama for PCS. The Nevada Supreme Court held that "the stop was neither unreasonably lengthy nor unreasonably intrusive for a traffic stop" (Id. 112 Nev. at 838, 920 P.2d at 1013).

Conversely, a court will likely conclude that an officer's detention of a citizen is unreasonable if the officer prohibits the citizen from leaving after issuing traffic citations, while waiting for K-9 to arrive.

An officer may extend the duration of the stop in a limited number of situations. The court in *Beckman*, *supra*, explained: "A prolonged stop may be reasonable in three limited circumstances: when the extension of the stop was consensual, the delay was de minimis, or the officer lawfully receives information during the traffic stop that creates a reasonable suspicion of criminal conduct...."

"First, a prolonged traffic stop is not unreasonable if the encounter becomes consensual. After all, a consensual encounter is not a seizure, and thus, the Fourth Amendment is not implicated...."

"Second, a modest delay may be reasonable, depending on the circumstances surrounding the stop. For example, other jurisdictions have permitted a two-minute delay and a four-minute delay as de minimis intrusions on a driver's liberty... (citations omitted).

"Third, a prolonged stop is permissible if the results of the initial stop provide an officer with reasonable suspicion of criminal conduct, thereby creating a new Fourth Amendment event. *See, e.g., State v. Perez*, 181 Conn. 299, 435 A.2d 334, 338 (Conn.1980) (when 'a police officer's suspicions upon a lawful stop are further aroused, the stop may be prolonged and the scope enlarged as required by the circumstances'), *overruled on other grounds by State v. Altrui*, 188 Conn. 161, 448 A.2d 837, 846 n. 6 (1982); *Estrada v. Rhode Island*, 594 F.3d 56, 64 (1st Cir.2010) (recognizing that information gathered during a traffic stop may provide reasonable suspicion of criminal conduct that will justify extending the stop)."

That said, Nevada law is unique, as the Legislature has limited detentions to a maximum of 60 minutes. NRS 171.123 (4) provides, "A person must not be detained longer than is reasonably necessary to effect the purposes of this section, and in no event longer than 60 minutes. The detention must not extend beyond the place or the immediate vicinity of the place where the detention was first effected, unless the person is arrested."

The 60-minute limitation is absolute and without exceptions. Therefore, an officer must either establish sufficient probable cause for arrest or release the citizen. **VB**

# SANTA DAY

December 1, 2018

9-1 pm

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Association event for PPA  
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# THREE MYTHS AND A TRUTH:

## POLICE USE OF FORCE IN AMERICA



**CHAD LYMAN**  
LVPPA Director

**B**eing a police officer in 2018 is certainly challenging, and one of the most challenging aspects of modern policing is using force appropriately against uncooperative suspects. The challenge is not that officers are using excessive force; it is that officers are being accused of excessive force, and that de-escalation is largely misunderstood.

A recent article on the [PoliceOne.com](#), “Why the LAPD Hostage Shooting Is a

Failure of De-escalation Policy” by Mike Wood, is an excellent read on some of these challenges. There are numerous other articles, courses and examples that can be researched, which brings me to the first of three myths about the use of force.

### MYTH 1

The first myth is that there is an epidemic of excessive force throughout American policing. The media, political leaders, community leaders and educators often talk about how “unreasonable and excessive” officers are as they administer force. The irony of this is that *Graham v. Connor* clearly states that a reasonable officer standard is made up of an officer’s training and experience relative to the application of force, and most critics do not have any training or actual experience applying force.

Wood addresses this myth in his article. Actual data on police use of force does not support this narrative of excessive force. American police only use force of any kind in approximately 1.5% of public contacts, according to statistics from the Bureau of Justice Statistics (BJS). That 1.5% covers *all* force, not

just lethal force. Lethal force is less than 1% of any force used, which hardly qualifies as an epidemic.

What I do believe is true is that officers often use ineffective force (as opposed to excessive force), and that they struggle to articulate use-of-force decisions effectively (even when they get it right). One reason for ineffective force is that many officers rarely put in any training time on their own. Remember, what you do consistently over time will give you a result. If you want to be effective when you use physical force, you actually need to train.

A big part of physical use of force is an officer’s ability to accurately articulate force after the event. I want to suggest a new meaning for the acronym “CYA”: Can You Articulate? Are you a use-of-force pro? Can you intelligently choose a force option, and then articulate why the force you used is appropriate and reasonable? An officer could do the right thing physically but not be able to articulate it properly, and thus still be a liability to themselves and their department. Part of an officer’s personal preparation should be a study of use-of-force policy and case law, as well as defensive tactics and physical fitness/ability.

### MYTH 2

The second myth is that if a suspect is aggressive or aggravated aggressive in their resistance level, and then begins to flee (running or walking), they have changed resistance levels and are now simply active. I have seen this myth come up in training and on actual calls multiple times over the years here at LVMPD.

The truth is if the suspect physically strikes an officer (or anyone else) and then begins to flee from a responding officer, the suspect has not become an active resistant suspect just through the act of flight. A reasonable assessment is that the subject will respond violently if officers or others are exposed to the subject. This is not to say that just because a suspect strikes someone and begins to flee, officers are going to use intermediate force to take the suspect into custody. Officers should still consider *ability* (of the suspect to do harm — this is automatically elevated if the suspect is armed), *opportunity* (closely linked to proximity to others — this can be changed with firearms or weapons

as well), *imminent jeopardy* (reasonable assessment of danger and that it is about to happen or is happening) and *preclusion*.

Preclusion is often misunderstood. It doesn't mean that all other options have failed, but rather that all other *reasonable* options have failed, or would have failed. In other words, the officer does not have to "try all other options" to failure, especially regarding lethal force. The suspect's actions may require the officer to immediately administer lethal force, depending on the facts and circumstances of the call and what the officer observes and reasonably believes will happen if they fail to act. Suspects can change resistance levels by being compliant and ceasing to resist or flee. Violent behavior from a suspect plus flight can reasonably be interpreted by an officer as indicating that the suspect doesn't want to go to jail or that they may be seeking other victims, but to require officers to perceive that the person they reasonably know or believe just struck, stabbed or shot someone is now "just trying to get away" is crazy nonsense and not supported by case law.

*Tennessee v. Garner* clarifies that if a suspect commits a violent felony, officers can reasonably articulate an immediate threat to the community, and if the suspect is fleeing, officers may choose to use lethal force to "seize" or stop the suspect and restrain them. The court clearly feels that violence plus flight does not equal a change in the suspect's resistance or threat level. Suspects reasonably "change resistance level" by acknowledging verbal commands, ceasing flight and resistance, and then obeying commands to put themselves at a disadvantage and allow handcuffing. Violence plus flight just means you are in a mobile fight with a bad guy, not that he has gone from aggressive or aggravated aggressive resistance to active resistance.

### MYTH 3

The third myth is that de-escalation means verbal commands, waiting and a lack of action or physical force. Time is generally on your side, until it isn't. Many police administrators and officers look at de-escalation as a liability factor. I look at de-escalation as a tactical consideration. Everything we do is

## I BELIEVE THAT OFFICERS OFTEN USE INEFFECTIVE FORCE, AND THAT THEY STRUGGLE TO ARTICULATE USE-OF-FORCE DECISIONS EFFECTIVELY.

dangerous, but I don't want us to be reckless. Proper tactics and de-escalation help shield officers from physical danger, and the reality of liability as well. One of the primary causes of an overuse of force is an initial underuse of force.

A form of de-escalation is the appropriate amount of force applied at the appropriate time. This could be presence and verbal commands, hands-on or an intermediate force option choice, for example. In general there is not a time limit on a call, and officers should always avoid being in a hurry. When officers rush, they are likely to make a mistake or get hurt. If officers rush they are also likely to expose themselves to potential injury. If subjects are aggressive yet static or contained, and not currently showing an intent to harm, it does not mean they are not aggressive or aggravated aggressive in resistance level. It does mean that they are not yet showing an intent to harm and there is not an articulable threat of injury or death, so de-escalation strategies like slowing the momentum, generating resources, using time to our advantage, talking to the suspect to calm them down, maintaining distance and cover, and other tactics may be appropriate.

When a suspect is aggressive P# 14079 or aggravated aggressive in their behavior and refuses to be contained in one place, an officer may reasonably believe the suspect is showing an intent to harm. One reason for this is that the officer cannot truly know the suspect's intent or state of mind. If the suspect is violent and wants to go mobile, it could be to just get away or to access new victims, or it could be the officer is now in a mobile fight with the suspect. No matter the reason the suspect is fleeing, they are now just a mobile person in their current resistance level. Once a person goes mobile, especially with a weapon, they begin to remove some of the potential de-escalation practices, such as waiting for resources or repeated verbal commands. Once the suspect goes mobile and attempts to break out of containment, time may no longer be on our side, and the best de-escalation strategy may be a lawful application of force to stop the suspect and de-escalate the situation.

De-escalation is defined in the Cambridge dictionary as "to (cause to) become less dangerous or difficult." Other definitions are similar and refer to lowering the intensity or danger in a conflict. The dictionary also refers to de-escalation as a verb, meaning it requires you to do something. Often this is positioning and communication. Make no mistake, though: This can also mean actually taking lawful action. Officers should use de-escalation to be safer and more dominant in confrontations with suspects, and time is on your side until it isn't (suspect is forcing the action).

### TRUTH

The vast majority of times, officers in the field are getting it right. Officers who study and understand policy and law, are physically fit, and train in actual armed and unarmed tactics and combatives are even more likely to get it right. There are two other major differences between the educated and training (we are never truly trained) officer and those who don't spend any personal time on fitness level, tactical ability or knowledge of what they can and can't do:

1. Officers who don't train physically and academically will generally "work their way through the problem" to the proper outcome, but often will not have strong articulation. They struggle to articulate what they did, what level of resistance the suspect was in, what level of response they applied and any legal/case law backing to their decision. These officers often will not feel in control during the physical confrontation and may feel lucky they won. This lack of ability and knowledge will manifest itself in a lack of confidence if they are questioned about how or why they did something.
2. Officers who take a personal interest in their own preparation and training are immediately apparent in their performance and then articulation after the fact. They are confident, respond well to questions (probably due to the fact they actually think about this stuff and regularly answer these questions themselves) and dominate their suspects. When officers physically dominate bad guys, they rarely make mistakes and the momentum is slowed down because they are in control. These officers consistently perform better in both training and in the field.

If you have been involved in a use-of-force event and you rushed or feel you hesitated too long, don't be too hard on yourself. You are just human. Having said that, though, evaluate your performance, honestly identify where you could improve and get to work! Use your event, good or bad, to learn and grow. Growth will only come through regular time spent training. All the officers I have ever met who fit into the second category train on their own time. I have never met a "high-level" officer who achieved that level of proficiency through attending the minimum amount of mandatory department training and nothing else.

If you are getting it right overall as a profession, why put the extra training in? At the end of the day, "good enough" is not good enough. I want to win the actual fight, select appropriate (legal and policy) force options to win, and then win any criminal and civil reviews of the incident. If I have a high level of competency in all areas, I am far more likely to excel in the actual physical event and in the resulting legal, civil and internal reviews that will follow. As Sergeant Mike Bland has told me many times over the years, "I will take trained over untrained any day."

If you ever want assistance finding relevant training, feel free to reach out to me and I will help in any way I can. Thanks for what you do, and stay safe. **VB**

# Prioritizing Health and Fitness for Law Enforcement Officers

**J. HEALEA**  
LVPPA Member

At some point in your career as a law enforcement officer, you will find yourself unhappy with your weight, your body, your health and possibly your fitness level. During my health and fitness journey, I learned a great deal about what works for my body and what does not by trial and error. It literally took me three and a half years to lose 67 pounds on my own, plateau after plateau! After years of slowly getting the weight off, I met Michael Healea, owner of Platinum Physiques LV, who has been in the fitness industry for over 35 years. He began to educate me about health, nutrition and fitness, and I began to understand that my plateaus were being caused by overtraining and undereating, because there's a science behind weight loss! Finally, I began P# 00890 training with and listening to Michael. I went from being a "skinny-fat" 167 pounds to a fit and strong 139 pounds in a little over three and a half months!

I was so inspired by my transformation and journey that I wanted to help other officers figure out the secret, too! So I made the decision to go back to school and obtain my certifications as a Professional Fitness Trainer and Weight Loss Specialist through the National Academy of Sports Medicine. And now I am working on my Fitness Nutrition Specialist and Behavior Modification Specialist certifications, because my goal is to reach as many law enforcement officers as I possibly can with this amazing, informative and life-changing information to help them get fit and strong and stop being overweight, unhealthy and unhappy with themselves.

To get this information out to the officers of LVMPD, I decided to update the Lifetime Fitness class and made it into a four-hour NV POST-certified class called "Health, Nutrition and Lifetime Fitness." I began teaching this to our Corrections Academy, and I currently teach it every month at LVMPD Headquarters to commissioned personnel, civilians and outside agencies, as well as to every Corrections Academy. My knowledge about fad diets, statistics of law enforcement health and mortality rates, the truth about cortisol, and the facts about science in health, nutrition and fitness is so important that it needs to be taught to all law enforcement academies and officers at some time during their career.



In the hopes of creating momentum and to raise money for a good cause, I began supervising a quarterly weight-loss challenge at CCDC in the spring of 2018. My goal is to inspire officers and civilians to get healthy and fit and to make positive changes in their lives. The winners receive prize money and a fitness gift certificate for personal training donated by Platinum Physiques LV.

Our first CCDC's Biggest Loser Challenge, "Spring Into Summer," was a great success! We signed up 50 people and raised \$530 for the Friends of CCDC Corrections Officers 501(3)(c) nonprofit. The final 20 who weighed out lost a total of 126.6 pounds! The top female winner for this challenge was Shelly Chambers, P# 7825, who lost a total of 3.48% of her body weight. The top male winner, Renor Cabual, P# 8065, lost a total of 10.95% of his body weight!

Our second CCDC's Biggest Loser Challenge, "Summer Challenge," just ended and had a total of 35 people signed up, with the final 15 who weighed out losing a total of 132.8 pounds! We raised \$340 more for our gym! Anita Sutton, P# 15416, lost 5.24% of her body weight and Brian Fucile, P# 7227, lost 8.83% of his body weight!

The money raised for Friends of CCDC Corrections Officers pays for equipment and repairs for our gym here at CCDC and NVC. If

you'd like to contribute to our good cause, Friends of CCDC Corrections Officers is a nonprofit and can be donated to through the United Way, or via Venmo or Zelle under Franc Cadet (Treasurer). We welcome all of LVMPD to donate, and to use the gyms responsibly!

My dream is to see the paradigm shift toward making our health and fitness a priority, as we have seen the positive shift toward prioritizing the mental health of our officers. As law enforcement officers, it is imperative to get our health and fitness back so we can deal with stress, physically protect ourselves and others, overcome any injury or illness we might encounter on the job or in life, manage our cortisol levels and look forward to and physically enjoy our retirements, grandkids and families as we age. *Remember, your body is the most expensive asset you will ever own!* So let's take care of it together. I look forward to seeing each and every one of you in my class — be sure to sign up on UMLV! It's a wealth of information and can help you get started on your journey! **VB**

## HEALTH, NUTRITION AND LIFETIME FITNESS

This course will assist the student in understanding the importance of making a lifetime commitment to staying fit, strong and healthy. This course is taught by a Certified Professional Fitness Trainer who is also a corrections officer for LVMPD. Be sure to look for this class on UMLV self-signups, as Officer Healea is offering it continuously for all LVMPD employees. She also brings in guest speakers, including fitness industry representatives, modality coaches

and food-prepping companies! Topics include components of a personal physical fitness program and techniques for evaluating the program, FITT principles of training, how to accomplish fitness goals using nutritional planning, role of supplementation, signs and symptoms of elevated stress levels, and recognizing that substance abuse is an inappropriate strategy for coping with physical and psychological stress.



# CALENDAR

## HOLIDAYS

- November 11: Veterans Day
- November 12: Veterans Day (observed)
- November 22: Thanksgiving Day
- November 23: Friday After Thanksgiving
- December 24: Christmas Eve
- December 25: Christmas Day

## ASSOCIATION EVENTS

- December 4: 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.*

## EDITORIAL POLICY

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

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



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

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

Members who find the hidden  in this issue of Vegas Beat and register through [www.LVPPA.com](http://www.LVPPA.com) will be entered into a drawing for \$250. You must enter by Wednesday, December 5, 2018, 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

- Contract negotiations
- Retirement considerations
- Association news
- Benefit changes
- Hot topics on the job
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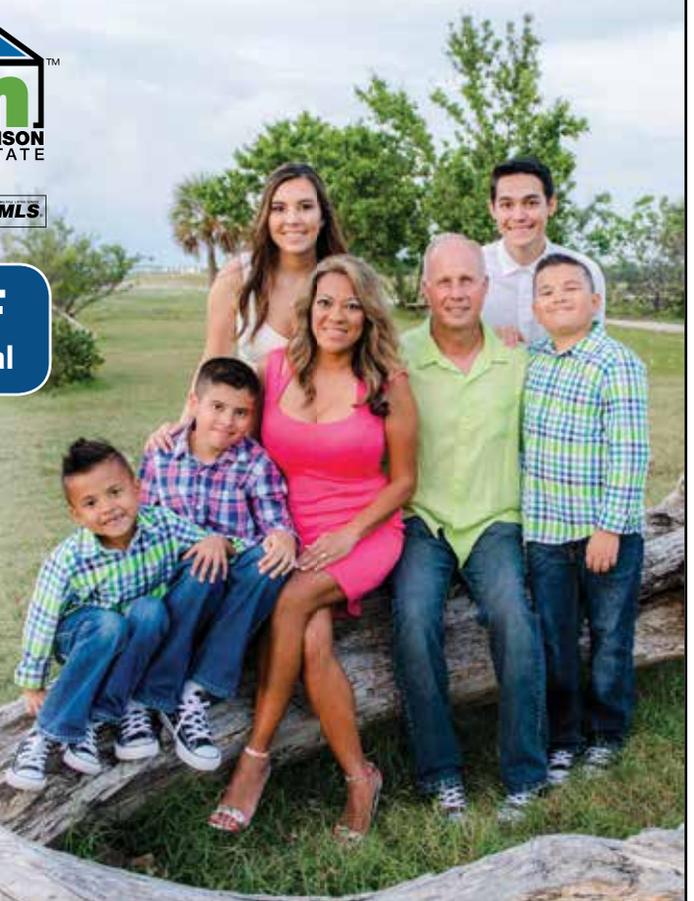


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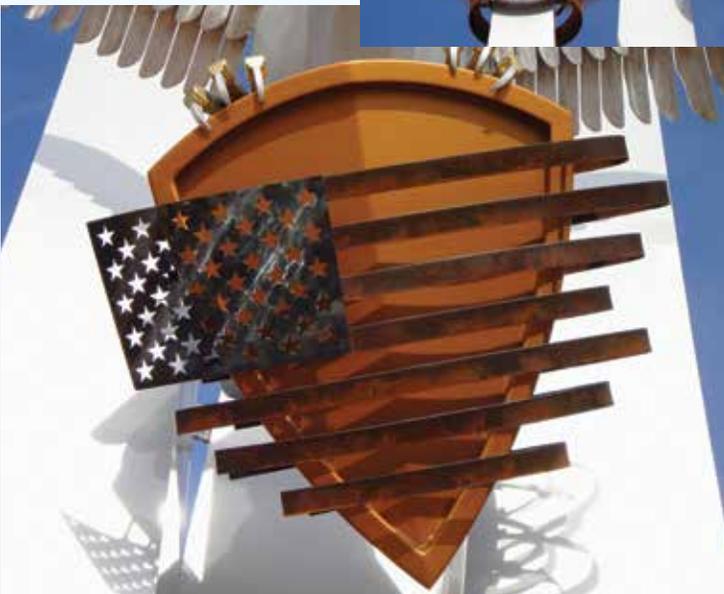
**Benjawan Munson**, SFR® ABR® RSPS®  
Real Estate Consultant  
Cell: **702.858.6642**  
Team Munson | [BenjawanLV@gmail.com](mailto:BenjawanLV@gmail.com)

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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](http://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. **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	
<b>DUES</b>					
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)				

<b>MISCELLANEOUS DEDUCTIONS</b>					
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				

<b>LOANS</b>					<b>Declining Balance</b>
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)				\$

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

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**John Faulis**  
Realtor  
Broker

**Kevin Liske, MBA**  
Loan Officer  
NMLS# 218979



**Phone:** 702.493.5471

**Email:** [john@lasvegasdreamhomes.com](mailto:john@lasvegasdreamhomes.com)

**Address:** 5510 S. Fort Apache Rd., Suite 31

Las Vegas, Nevada 89148

**Web:** [www.realtorcop.com](http://www.realtorcop.com)



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