



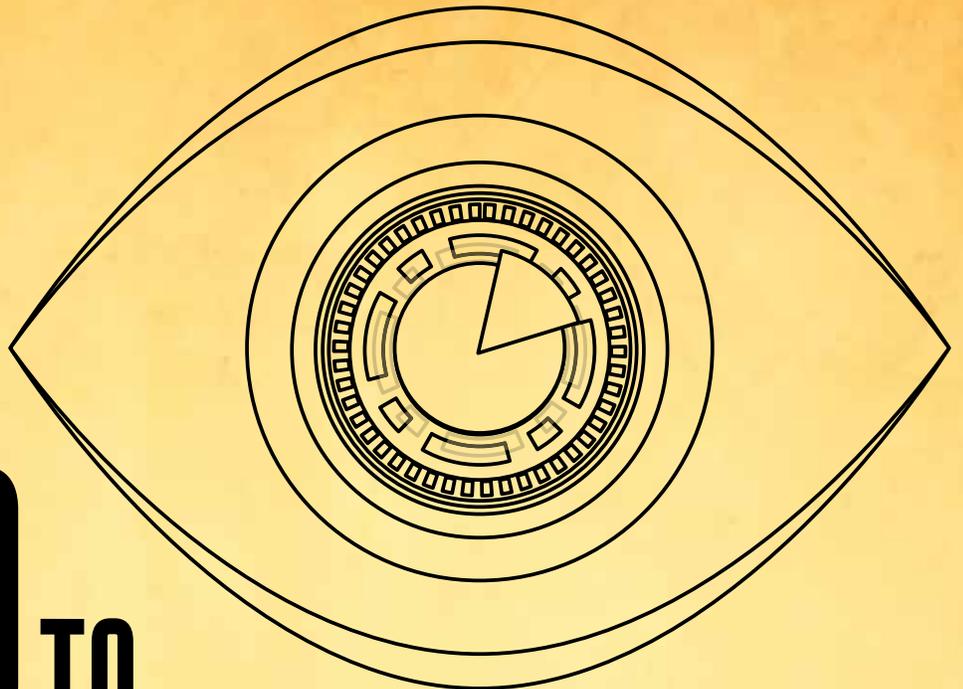
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VOLUME 13 | ISSUE 6

March/April 2019



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President's Message

DETECTIVE STEVE GRAMMAS, PRESIDENT

What Do You Think of Your Supervision?

The purpose of this article is two-pronged. First, as you read it, I ask that you consider the questions I'm asking and come to a conclusion. Second, please send me your responses. They will in no way be shared with anyone, other than to create a general picture of our members' feeling about the supervision at LVMPD.

Some the things that I would like to know are: Is your supervision knowledgeable in the field they supervise? Do you feel your supervisor is a good leader? Do you feel as though your supervisor has your back? On a scale from 1 to 10, how would you rate your supervisor? This rating will be key to the end results. It is also essential for you to name the supervisor you're speaking about, so we know where people stand. And please feel free to name and rate *any* supervisor in your chain, or as many in the chain as you would like. For our retired officers, please give us some feedback on the supervisors you worked for who are still here. Rating supervisors who are retired really will not help.

I think something like this would give the PPA better direction on who the good supervisors are and who the bad ones are. Believe me, we have far different conversations and interactions with bosses than the officers who work for them do. I want to know which bosses are treating people

well and which are not.

Please send any email responses to me personally at sgrammas@lvppa.com. Thanks so much for everything you all do, and please feel free to reach out to us at any time. **VB**

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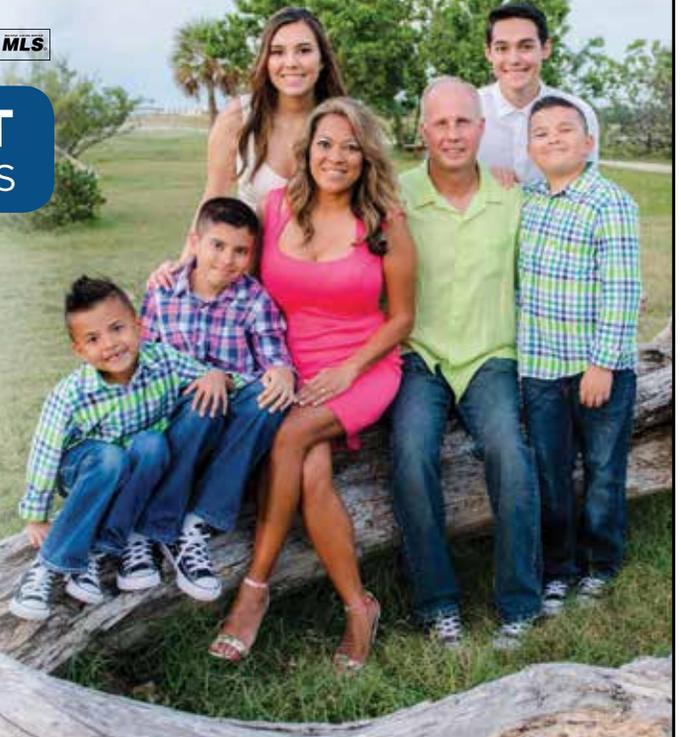
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Expedited Investigations

CORRECTIONS OFFICER SCOTT NICHOLAS

Vice President

You may be asking yourself, "What is an expedited investigation?" This process we have come up with to deal with certain Internal Affairs complaints isn't new, but it's becoming more popular with our members every day. In fact, I have already dealt with dozens this past year alone.

Expedited investigations start out with a statement of complaint listing you as the "subject employee." Most of you are familiar with the dreaded phone call from an IAB investigator informing you that a complaint has been filed against you. Often you are familiar with the allegation, or at least the call for service where the allegation allegedly took place. Sometimes you even think to yourself, "Yep! I did that!" and other times, you say to yourself, "Oh, hell no, that never happened!" Sometimes, in the early stages of an investigation, back-and-forth communication takes place between the LVPPA and Labor Relations on whether the case can be "expedited," which essentially means handled in a streamlined fashion.

In order to have an expedited investigation, three parties must all agree on the outcome of the case and the discipline. Here is how this generally occurs: First, Labor Relations will make a preliminary determination that, at least on the face of the complaint and what is already in the file, it appears as though the allegation is likely to be true. For example, during a call, you place a suspect in handcuffs; while cuffed, the suspect spits on you, so you immediately slap the suspect in the face one time. Names of witnesses who will support the allegation have been provided. Labor Relations will then determine the appropriate discipline based on the matrix. If there are no connecting allegations other than this inappropriate use of force, Labor Relations may offer you a written reprimand in exchange for your admission that the allegation did occur. In this case, Internal Affairs will then forego all the interviews it would otherwise have conducted to either prove or disprove the allegation. Note that these expedited investigations usually will only be offered if your file does not contain similar discipline already.

The second step in the process is that the PPA will contact you to advise you that Labor has offered to have the matter proceed through the expedited investigation process and will convey to you the disciplinary offer that has been proposed. The PPA representative will discuss your options and find out if there were any mitigating circumstances that would exonerate you in the case. If there does not appear to be any defense, nor any mitigating circumstances, the PPA will often recommend that you accept the discipline that is offered by Labor Relations. Of course, the ultimate decision is entirely yours, and if you want to contest an allegation, we will be fully on board with that decision as well. But if you agree that the allegation occurred, then this is the third part of the equation — your agreement to expedite the case. We have found that many feel this is in everyone's best interest; it avoids you and others having to go answer questions about the entire event, which can be a waste of time when the allegation obviously occurred.

Once there is an agreement to expedite a case, the PPA representative will complete the necessary form and email it to Labor Relations. Your part is done until you receive the Adjudication of Complaint from your supervisor.

Here are some of the reasons why you should seriously consider accepting an offer of an expedited investigation and discipline: The first and biggest reason is there is no Internal Affairs interview. You do not have to go to IA and talk to the investigators and tell them your story. This should come as no surprise to any of you, but most of our officers do not like to go to Internal Affairs, even as a witness, let alone a subject employee. The next reason is that this allows you to

put a case behind you as soon as possible and gets the purge clock started. In fact, this expedited process can move the purge date up as much as 30 to 60 days. Yet another other reason why accepting an offer to expedite a case can be important is that it ensures that no new allegations will result based on something new that might be discovered in an investigation. It also relieves your fellow officers from being put in the situation of having to come to Internal Affairs as a witness and possibly have to provide information that is harmful to you. Most officers feel bad enough as it is when they have made a mistake. The last thing they want to do is have their entire squad dragged into Internal Affairs to answer questions involving a case that they know they were responsible for.

OK, so now for the downside. Honestly, there really isn't any. You should be aware, however, that the understanding prior to anything being agreed upon is that Article 12 of the contract, which is the grievance process, cannot be used. If you, the PPA and Labor Relations all agree to a discipline, the discipline stands and there is no way to change it; you have already agreed to it, so you are not entitled to appeal it. This is important for you to understand before accepting an expedited investigation and its corresponding discipline.

If you ever find yourself in a situation that you believe fits the criteria for an expedited investigation, please call our office to discuss your options.

Thank you for your membership, and please be safe. **VB**



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12-Hour Shifts

POLICE OFFICER BRYAN YANT
Sergeant-at-Arms

As many of you are aware, for several months, at the request of the leadership at DTAC, we have been negotiating an MOU with LVMPD to allow day and grave shifts to work 12-hour shifts for a six-month trial period. As outlined in our CBA under article 18.1, your work week may not exceed 40 hours. However, if both parties mutually agree, an alternate schedule of 80 hours biweekly may be utilized. The leadership at DTAC believes that the implementation of 12-hour shifts will help reduce violent crime in the area command, as well as increasing manpower during peak hours.

In our first meeting with Captain Chavez and Lieutenant Cole, we started breaking down the shifts, staffing, hours worked and time off. The shift hours were set to provide maximum coverage during peak crime hours. Days would work 0530-1730, Swings would work 1600-0200 and Graves would work 1900-0700. One of our biggest concerns with the 12s was fatigue and safety. Working a hard 12 like during A/B roster would be unacceptable. We wanted to ensure that shifts would be conducted as they are now, with briefings and debriefings occurring unless there are exigent circumstances. During payday weeks, officers would work three 12-hour shifts. During non-payday weeks, officers would work three 12-hour shifts and an eight-hour shift that would be reserved for training. We also wanted the ability to P# 6736 review the trial period monthly with the officers and opt out if it was unacceptable to them.

After we met with the leadership at DTAC, a survey was sent out to the members at DTAC. We then attended every patrol briefing to present the options of the 12-hour shifts and our initial draft of the MOU. After that, we conducted a hand vote and found that 93% of the officers wanted to participate in the trial period. With the overwhelming majority in favor of this, we submitted the MOU to LVMPD.

After some time, we received a revised version of the MOU from LVMPD. We again met with Captain Chavez and Lieutenant Cole to discuss the revised MOU and the changes that were made. We went back to the members at DTAC and presented the revised MOU, then again presented the options at each briefing and conducted a hand vote. This time, only 53% of the members approved going forward with the trial period. With the large drop to only 53% approval, the

MEMORANDUM OF UNDERSTANDING

This agreement is entered into by the Las Vegas Metropolitan Police Department (LVMPD) and the Las Vegas Police Protective Association (PPA). This agreement will set forth the conditions of the Downtown Area Command twelve (12) hour shift pilot program, for a period of six months, beginning February 23, 2019 and ending August 23, 2019.

Specifically, the parties agree that officers who work day and grave yard shifts will participate in this pilot program as set forth below:

Workday:

- Officers will work 12 hour shifts, three (3) days per week, during workweeks, which include paydays.
- Officers will work 12 hour shifts, three (3) days per week, and a single eight (8) hour day during workweeks, which do not include paydays.
- The single eight (8) hour day may be utilized for department training or as directed by the Bureau Commander unless there is an unusual occurrence, staffing, or manpower issues that would otherwise require police presence.
- There will be a standard briefing and debriefing for each shift unless unusual circumstances occur preventing either.

HOURS – DAY SHIFT:

0530-1730

HOURS – GRAVE YARD SHIFT:

1900-0700

HOURS – SWING SHIFT:

1600-0200

SURVEYS:

The Department will conduct anonymous surveys of officers to measure the success of the program. The results will be shared with the PPA. There will be a 3-month review where the PPA and LVMPD will discuss any concerns up to that period and make attempts to rectify.

Dated this 25th day of January 2019.

LVMPD Representative


PPA Representative 1-25-19

PPA Executive Board informed LVMPD that we would not be signing the current version of the MOU; however, we would continue to negotiate the 12-hour shifts and MOU. After several days, LVMPD and the PPA agreed to an MOU that closely resembled our initial proposal and was fair for both parties. Most importantly, it was an MOU that was beneficial to the members of DTAC.

The trial period is set to begin on February 23 and end on August 23, after which it will be evaluated for effectiveness. As this is a trial period, it will end in August regardless. After that, could this trial make it to other areas? If it does, we will be ready to discuss it with you and proceed in the same manner. **VB**



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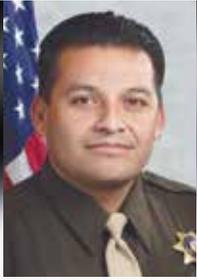
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Priorities for the Legislative Session

POLICE OFFICER MIKE RAMIREZ

Director of Governmental Affairs

By the time this reaches you, I will have settled into my temporary home for the duration of the 2019 session. The Legislature has already begun and is set to end June 3.

As you all may know, last session we rallied behind the collective bargaining bill (AB 290), and although it was passed by both the Assembly and Senate chambers, it unfortunately was vetoed by Governor Sandoval, who ended his term following the 2018 election.

While we are all anxious to see how our agenda items play out, there are three particular bills I will be watching closely, as I urge you to do as well.

1. Assemblyman Wheeler will be sponsoring AB 103. The bill reads, "Section 1. NRS 288.225 is hereby amended to read as follows: 'A local government employer may agree to provide leave to any of its employees for time spent by the employee in performing duties or providing services for an employee organization if the full cost of such leave is paid or reimbursed by the employee organization or is offset by the value of concessions made by the employee organization in the negotiation of an agreement with the local government employer pursuant to this chapter.' If such leave

was provided by a local government employer as of June 1, 2015, the employee organization shall be deemed for the purposes of this section to have made concessions to offset the past, present and future cost of leave for the number of employees to whom leave was provided as of that date. This act becomes effective on July 1, 2019."

2. Assemblyman John Ellison will be carrying AB 102. You can read the full bill at www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6104/Text, but here is the summary: "Existing law provides that any person who willfully commits certain crimes because of the fact that the victim is a first responder, which is defined as any peace officer, firefighter or emergency medical provider acting in the normal course of duty, may, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years (NRS 193.1677). This bill extends this enhanced criminal penalty to such crimes committed against the spouse of a first responder or the child of any age of a first responder."
3. Assemblyman Carrillo will be carrying a workers' comp/heart and lung bill. The goal is strengthening the approval process when you get injured on the job, as well as adding categories in the bill to list specific issues. That way they are in statute, and cannot not be disputed and denied.

There are other bills that relate to police work, too many to list. I have been sending out emails regarding any updated information on the legislative issues for this session. Please let me know if you have P# 3899 not been receiving them, and reach out to the LVPPA office to make sure your information is correct. As the session continues and meetings fill our calendars, it is important for all of us to stay current. I mentioned in our last newsletter that we will need to pack the Grant Sawyer building for a hearing to show everyone the unity we have as a police force. The date has yet to be determined but will soon be posted. So again, I'm asking you to please take notice of your emails and be ready to get involved.

As always, be safe out there. If you have any questions, feel free to contact me at mramirez@lvppa.com. **VB**

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New Year, New Beginnings

CORRECTIONS OFFICER MYRON HAMM

Director of Corrections

As I reflect on the beginning of this new year, I am reminded of an old saying: "Those who do not learn from history are doomed to repeat it." 2018 was a pretty good year for the LVPPA, but the one thing I like to stress to our members is that we are a work in progress.

I am overjoyed to hear how satisfied our members are with our events and the direction in which we are moving as an organization. Nothing makes me happier than to see over 1,000 people at our Trunk or Treat event or a large number of kids at our Santa Day. The hard work that goes into these events is well worth the effort when we are rewarded with smiles from our members and their families. I personally look at these events as an opportunity to meet our members' families and get to know them on a personal level. Between the baseball games, Easter egg hunt, FlipNOut Xtreme and our general meetings, there are numerous opportunities for our members to take part in some LVPPA-sponsored activities. One of my goals for this year is to really reach out to the segment of members who have not attended any of our events and ensure that they are taking advantage of all that we do and provide. 2018 was a good year, but our goal is to make 2019 even better.

I recently spoke with a member who expressed that his goal for this year was to get promoted to sergeant. I asked him why he wanted to get promoted and he listed a number of reasons, such as the bump in pay, the ability to increase his PERS retirement pay, the fact that he would not have to perform shift work and a few other things. The one thing I did not hear was the desire to lead or set an example for our current batch of new, young and eager officers. I reminded him that with great power comes great responsibility, and your first duty is to the people in your command.

Unfortunately, over the course of the past few years I have noticed that true leaders are few and far between. I have had numerous conversations with supervisors, and it seems that some adopt the attitude that discipline is the only way to go. I have been involved in a few complaints where a conversation would suffice, but unfortunately this does not always happen. I would prefer to work with administration or supervisors to make sure that the ground troops are on a good path and headed in a positive direction that will ensure a long and successful career. But make no mistake, my first loyalty is to our members and ensuring that they maintain their status of employment.

I recently had the pleasure of attending an Academy graduation, watching as those proud new officers walked across that stage and realized the fulfillment of a goal that they set. Six months of hard work culminated in receiving their just rewards. But now the real challenge begins. I challenge each of those new officers to motivate and dedicate themselves to do the right thing and stay on a positive path. I always tell our new officers that you are embarking upon more than a job. Whatever you are tasked with, do it with pride and do not be afraid to ask for help. If you are given some advice that you are unsure about, my LVPPA co-workers and I are a mere phone call away. Don't ever take for granted that your actions or intentions will be understood. Always, always, always ask questions. Remember, your present circumstances don't determine where you can go; they merely determine where you start. **VB**

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The Importance of Email

DETECTIVE BRIAN GRAMMAS

Treasurer

The fact that email has great importance in modern business communication is undeniable. Every day, millions of emails are sent from companies to customers and suppliers, from employees to their managers and from one co-worker to another. There are several reasons for the preponderance of email when compared to other methods of communication.

Email is sent and received almost instantaneously, whether the recipient is a few doors down or thousands of P# 00161 miles away. Because of this, using email streamlines both internal and external communication, making it faster and easier to transmit and disseminate important information and allowing for almost real-time status updates. In turn, the continuous flow of relevant information makes people more efficient and productive, enabling quick responses to any issue that may arise.

The PPA uses email to communicate with our members, whether it is to pass along information regarding David Roger advising officers on court cases, take a survey, vote on elections or contracts, or let you know about upcoming events. Since coming to the PPA, however, I have noticed that a large number of members do not check their email.

First, the PPA will only send emails to your personal email account. If you are not receiving emails from the PPA, please call the office and make sure we have the correct information. By using your personal email, you can access it even if you are on vacation or home sick, compared to using your Department email that you can only access from work.

Second, the emails we send regarding a vote or survey only take a few seconds to respond to. I know members want to be heard, and the way to be heard is to take the time to cast a vote or complete a survey.

Most officers have smartphones that can access their personal email. Please don't be the officer who does not have their voice heard and uses the excuse "I don't check my email." We live in an age where technology rules our daily lives, and in order to be up to date on PPA business you need to take the small amount of time to access, read and respond to your emails. **VB**

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Rumor Has It ...

OFFICER JOHN ABEL

Secretary

Stop me if you've heard this rumor: The PPA has a suite at T-Mobile Arena for Golden Knights games that we do not let PPA members use. For the record, that rumor is wholly untrue. It amazes me how rumors like that even get started. What is more amazing is how far it will spread before someone calls the PPA office to confirm that it is just a rumor. After my OIS in 2011, there was a rumor that I had shot my best friend and partner while engaging the suspect. I laugh about it now, but at the time, before video evidence proved that not to be true, I had a few sleepless nights.

The definition of rumor is talk or opinion widely disseminated with no discernable source. Rumor is also defined as a statement or report without known authority for its truth. One of a police officer's official duties when investigating a crime or an incident is to gather the facts and circumstances known to them and then make a decision whereby the outcomes can stand up in court as factual. You would think that professional officers who research and seek out facts for a living would not succumb to the often false rumor mill.

I just left patrol a little more than six months ago, so I know how the rumor mill works. I've seen people spread rumors about another officer and then smile in that officer's face at briefing and debriefing, when they should have pulled them aside to squash the rumor before it got too far

out of hand and had the potential to damage that officer's career or, worse yet, their mental health. Being in this position, I have a more global view of how rumors affect officers, since over 3,000 officers are PPA members, which is what prompted me to address this issue.

Rumor mill problems are not unique to LVMPD and are probably a cultural issue, but as law enforcement professionals, the buck needs to stop with us. I am not naïve enough to think that this article will stop the rumor mill, because it won't. But I hope everyone who reads it will think twice about spreading rumors and, if you hear a rumor, at the very least do your best to get in touch with the person or people involved. Rumors are the worst kind of fake news, and people will often take them at face value with no proof other than word of mouth. Rumors also run rampant on social media, to the point where LVMPD should start up a "fake news" bureau to research and dispel the rumors that get out of hand. Many times, a rumor starts out as an opinion someone has about an issue that is taken as fact, and then a week later it has circulated enough that people are in full-blown outrage mode and looking to shame someone, and that is just not fair.

My advice to anyone reading this article is be careful what you repeat to squadmates, and if you hear something that just doesn't sound right, do a little homework and verify the information. Information in the 21st century moves very quickly and can have far-reaching consequences, so let us do our best to stop rumors before they start. **VB**

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Members who find the hidden  in this issue of Vegas Beat and register through www.LVPPA.com will be entered into a drawing for \$250. You must enter by Wednesday, April 10, 2019, 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
- Upcoming events

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



DAVID ROGER
General Counsel

Search and Seizure Reminders

As time permits, I try to produce training videos to help you do your job. Recognizing that you have limited time, I attempt to keep the training clear and concise. While there is plenty of gray area in the law, I don't want you to have to remember legal nuances to perform your job. I hope the videos we send to you meet this standard.

I always appreciate your questions and suggested topics. Please do not hesitate to contact me with questions about criminal law and procedure. I am also happy to field your calls on other legal issues. If you need an attorney and I can't help you, I will find a lawyer who has the expertise to provide you with the appropriate representation.

There are times when I disagree with the Department's conservative approach to search and seizure issues. I believe that unless there is a statute or case that specifically restricts police conduct, you should be allowed to "push the envelope" until a court rules otherwise. In fact, that is the standard that courts use when determining whether an officer has violated the civil rights statute. Courts have concluded that an officer should have notice of a clearly established law before being held liable for violating a citizen's constitutional rights.

An example of this is the Department's policy on asking a citizen for identification during a Terry stop. Policy 5/200 prohibits officers from demanding government-issued identification. Neither statute nor applicable case law prohibits

you from demanding such ID. Contrary to the Department's policy, if I were still the DA, I would encourage officers to demand documentary ID until the Legislature or courts hold otherwise. That said, you are always bound by Department policy.

You should P# 16807 also be careful relying on police magazines or websites. While the law in another state may allow officers to conduct investigations in a certain way, we are subject to the Nevada laws. Courts frequently disagree over issues; however, you are required to follow the decisions of the Nevada Supreme Court.

Additionally, you should avoid listening to cops who are self-professed legal experts. LVMPD had its own wannabe lawyer teaching officers that they could not arrest and search a person who admitted to having drugs in his pocket. Not in a million years did I think that officers would accept this distorted version of the law. But months later, I heard officers explain that they could not arrest the hypothetical suspect and conduct a search incident to arrest. Officers told me that they had to either convince the suspect to reach into his pocket to remove the item or get consent to retrieve the contraband. I also heard some officers state that they would have to get a search warrant to go into the suspect's pocket.

Finally, be careful soliciting legal advice from prosecutors while in the courthouse hallway. Quite often, prosecutors will offer an opinion without the benefit of doing research to confirm their legal analysis.

You may view our training videos on our YouTube channel, "LVPPA-Metro." And as always, feel free to email me at DRoger@LVPPA.com. **VB**



Challenge Coins Available

Show your support for your Association's charity! Proceeds benefit the Law Enforcement Assistance Fund (LEAF).

Visit LVPPA.com/shop for more details.



CALENDAR

- March 5 General Membership Meeting, 5 p.m.*
- March 16 LVPPA St. Patrick's Day Celebration, 3 p.m.
- March 17 St. Patrick's Day
- April 13 LVPPA Easter Egg Hunt, 11 a.m.
- April 15 Tax Day
- April 21 Easter
- April 24 Administrative Professionals 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.*

UNPLEASANT VIDEO AND OFFICER USE OF FORCE



OFFICER CHAD LYMAN
LVPPA Director

I have had the opportunity to review videos of law enforcement uses of force on multiple occasions over the years in my duties as a police officer. I have been a DTI with LVMPD for years, and my multi-year stint at AOST increased the tempo of seeing and evaluating use-of-force incidents involving LVMPD officers and those from other departments. In addition to my

professional duties, effective use of force is a personal passion of mine, and I regularly seek not just to evaluate the lawfulness of an application of force, but also to find more effective ways to train for these events and improve professional performance.

As I have evaluated footage of use-of-force events in recent years, I have often been given a warning prior to watching a video. The warning often goes something like this: “Brace yourself” or “This is the worst video ever.” I might hear something along the lines of “You will not believe this video. This is so bad.”

Sufficiently warned, I brace myself for the unlawful and crazy video that must be coming. I watch the video and think, no, that is actually not the craziest video I have ever seen. It is a video of police work. It is often ugly. In almost every video I watch, there are mistakes and things the officer could do better. But overwhelmingly, it is video of an officer doing work that I have done for almost 20 years. The only difference is that it routinely gets caught on camera now. The video is often uncomfortable to watch, but I believe much of that discomfort simply comes from watching a video of what our job requires.

From a human perspective, it should be distasteful to use force and violence against other humans. But when you are confronted with what you reasonably believe to be a threat, defending against that threat can overcome the natural aversion that good people have to using force or violence, and the focus becomes defending yourself. The one in the fight is trying to do what must be done, and since police officers rarely use any force, they are relying on training and taking action to deal with the situation they are in. The ones watching the video did not have to use force. They did not suffer any of the human effects of a stimulus and elevated heart rate. They compare the actions on a video to what is written in a lesson plan, and they lose confidence in the actions caught on film. This is yet another shameless plug for officers to train. Want to look better on tape? Train a lot.

As I stated earlier, these videos of officers using force on suspects can be uncomfortable to watch. As police officers, we are asked to do hard things. A male officer using force on a female suspect can be distasteful, but that doesn't make it wrong. I have never used force on someone in my personal life because they didn't obey something I told them to do. Outside training or on-the-job uses of force, I have not used physical force against another person in the street in the time I have been a police officer. It is hard to watch these physical confrontations on video, but just because they are hard to watch, and the officer might have areas to improve on, that doesn't make them wrong.

THE LEGAL STANDARD

It is a huge error to judge the legitimacy of a use of force solely from watching a video of an event. I was recently reviewing a video message on reviewing officer uses of force caught on tape by renowned human-performance and use-of-force expert Dr. Timothy Lee. He related that he had recently addressed a group of

police chiefs at a training conference, where he stated that the absolute worst mistake an investigator could make is to judge a use of force just by watching a video. Dr. Lee teaches that those judging uses of force should not form a strong opinion prior to talking to an officer and evaluating all evidence, including video of the event.

Why is the officer's reasonable perspective even more important than what a video shows when evaluating these events? The primary reason is the human factors that can affect not just the officer's physical performance, but also their actual perspective on the threat they were dealing with. Use-of-force case law actually understands these human factors, and that is the lens through which courts evaluate these events. Case law requires the officer to P# 16660 choose a reasonable force option in response to a threat they reasonably perceive. This is another place where I often see those "evaluating" fall short. They will ask why the officer didn't choose option A instead of option B, because in the evaluator's opinion A would have been better. The truth is that it actually doesn't matter if you "prefer" option A. As long as option B is reasonable and lawful, it doesn't matter that you would do something different. The appropriateness of a use of force is not judged purely by its effectiveness. An officer may pick a lawful and reasonable force option and on film it may fail, look ugly and still be OK. Conversely, it may work extremely well and dominate the suspect. That doesn't make it wrong either.

As we consider officer perception, remember that it can be factually incorrect but the use of force completely justified. The officer's recollection can actually be proven wrong by video of the event and the officer's actions can still be justified. Why? The video has no perception. It feels nothing. It simply captures an event, and not always accurately. How would you possibly understand an officer's perception (a legal requirement to find a use of force lawful or not) if you didn't reserve judgment until you considered the officer's perspective at the time force was used? To watch a video and form a conclusion that you will then attempt to prove is amateur hour and flies in the face of best practices regarding use-of-force investigations.

THE LIMITATIONS OF VIDEO

A video is an effective piece of evidence. It can document who was there, that force was used and specific details of the event, and it should be preserved and evaluated. However, if you make a determination as to whether the event is justified or not simply based on the video, you are acting like an uninformed civilian who watches a "cop video" on the news or online and condemns the officer and their actions despite having limited information about what really occurred from the officer's perspective. Video is key evidence for sure, but it is a piece of the puzzle. To get a clear picture of what the puzzle creates, consider all of the pieces.

It is vital to understand that video can have some inherent issues. What you see is not always what really happened, especially for the officer in the fight. The camera captures what it captures, from the angle where it happens to be pointed, at varying levels of accuracy based on the quality of the camera. Without turning this into a very technical piece that may put you all to sleep, the camera can



IT IS HARD TO WATCH THESE PHYSICAL CONFRONTATIONS ON VIDEO, BUT JUST BECAUSE THEY ARE HARD TO WATCH, THAT DOESN'T MAKE THEM WRONG.

actually miss key movement and frames depending on its capabilities. The camera could also have capabilities to see more clearly in the dark than the human eye, thus failing to capture the event as the officer saw it. A high-end camera may allow the action to be broken down in vivid detail, in slow motion, even frame by frame, to show "what truly happened." It is important to realize the officer did not have the ability to see any of these clarifying factors, and was unable to slow down the action or even pause it when it actually occurred.

THE HUMAN FACTORS

If the camera captures an event as it happened, there are a number of reasons why an officer may have seen the event differently or missed "key" aspects during the fight. The officer's attention is often divided between the suspect and other people or threat areas. The officer may be tired, scared, injured or overwhelmed. The officer's perception as all these things play out is influenced in the moment by training and prior experiences. Those who have more training and actual experience in violent confrontations tend to have better perception of threat levels and decision making. (Here is another plug for training on a

regular basis.) The camera suffers from none of these factors. Courts understand these human factors and take them into account. As this is the legal standard for justifying an actual use of force, we should account for them as well.

In considering whether a use of force is justified, the human factors carry far more weight than video or even physical evidence after the fact. For example, let's say an officer reasonably believes a suspect is armed, and reasonably believes that the suspect's behavior is aggravated aggressive in nature and that the suspect is displaying an intent to harm. At the moment the officer decides this and reasonably responds with lethal force, it does not matter if a complete investigation shows that the suspect was not really armed or that their "weapon" was a replica. Going back to my original assertions, this can be hard to watch on video and may become more uncomfortable after the fact, realizing that the suspect is being engaged lethally despite not actually being armed or being armed with a fake weapon (or a phone held in a manner resembling a gun, for instance).

In a non-lethal physical confrontation, an officer could be dealing with a suspect showing aggressive behavior and an intent to harm officers by kicking

on students knowing proper use-of-force case law and policy and picking a reasonable force option during a confrontation. I don't say, "OK, next five reps at 30% ... Now let's move to 60%, and finally 100%." It is emphasized that a reasonable force option be chosen at all times. Certainly, pre-force implementation factors like age, size, known training, armed versus unarmed, etc., are all considered. But once the physical confrontation begins, it is very hard to do any kind of math or to know exactly what it will take to overcome the suspect's resistance. The biggest indication that I used an appropriate amount of force is that the suspect's resistance ceases.

While it can be very challenging to know the right amount of force I need to use while I am in the fight, it is almost impossible to do so by watching a video. You have no idea, once they grab each other and start struggling, how much or little effort the suspect and the officer are using. Often these videos will show the officer pushing, pushing, pushing, and the suspect suddenly being overcome and giving out due to the pressure. This often happens in seconds during the fight, and the officer feels tension and resistance until suddenly they overcome that resistance. If the officer overcomes the resistance and pins the suspect in a trained manner to assume control, a review of video alone does not allow me to say whether the officer pushed too much or not. An example of this is unknowledgeable fans watching an MMA fight where two fighters are against the cage and complaining that "they aren't doing anything" or being surprised when the fighters are tired. To think that you can watch a video and understand the pressure or force being used by either party shows that you don't regularly train in such things. A key part of a reasonable interpretation is training and experience. Be a pro as you access these things.

THE UGLY REALITY

Using force on humans should not be easy or enjoyable. It is often ugly and uncomfortable. My goal is always compliance and de-escalation, but the suspect ultimately decides whether force is even needed or if de-escalation through non-physical means will be successful. To blame an officer because de-escalation "didn't work" or say that the officer should have done more de-escalation and it would have worked (How would you know? It already failed) is very curious to me. However, that will be for another article.

"There is no nice way to arrest a potentially dangerous, combative suspect," wrote Charles H. Webb, Ph.D. "The police are our bodyguards: our hired fists, batons and guns. We pay them to do the dirty work of protecting us. The work we're too afraid, unskilled or too civilized to do ourselves. We expect to keep the bad guys out of our business, out of our cars, out of our houses, out of our faces. We just don't want to see how it's done."

Dr. Webb got it right. We embrace this quote and put it in the curriculum in academies to teach new guys what they are up against. We put it on shirts. We quote it to show that civilians "don't understand us." Then we watch a video and judge the event because the video makes us say, "Man, that is tough to watch."

These videos often are not the "worst I have ever seen," but they can be uncomfortable to watch. They are typically just police work, and they are ugly, they even contain mistakes, but they are simply capturing how this is done, and how it has always been done.

Over my years of policing we have improved, and we will continue to do so. But please remember, as you review and "judge" one another's performance: The bad guy is usually to blame for the uncomfortable video you are watching and the uncomfortable actions the cop on the video is being forced to do. At the end of the day, there is no easy way to arrest a dangerous and combative suspect. Stop looking for one. **VB**

TO THINK THAT YOU CAN WATCH A VIDEO AND UNDERSTAND THE FORCE BEING USED BY EITHER PARTY SHOWS THAT YOU DON'T REGULARLY TRAIN IN SUCH THINGS.

at them, and the officer might counter those attempts with force. At times when this happens, those looking into this event will judge the effectiveness of the kicks and say the officer was heavy-handed despite choosing an arrest and control measure (like immobilizing the suspect by pushing them over an object or into a wall and then holding them there) against someone using aggressive resistance.

JUDGING THE AMOUNT OF FORCE

At times I have heard comments, based on watching the video, that the officer is being too heavy-handed against a physically resistive suspect because the officer physically dominates the suspect and overcomes the resistance. Those watching will say the suspect isn't even resisting, or that the officer should use "less force," even though the force option the officer chose was appropriate. Some will even specify a certain percentage less, as though by watching a video they can accurately say the suspect was at 25% resistance and the officer could do what they were doing, but they were at 93% force and should have been at 33% because that would have overcome the resistance.

It is nearly impossible during a struggle to know what degree of force application will work. As an advanced DTI, when I teach DT sessions I focus

Association Events Update

ADELLA SOLANO

Events Coordinator

I want to thank all the PPA members who took the time to complete the events survey. We got a lot of good feedback, along with minimal negative responses, so now we have some direction on what we want to do with our adults-only events. The PPA hosts many fun family events throughout the year, and we also want to have one or more adults-only events where our members can have a good time hanging out with friends. Please remember that not all our officers have children, or their children may be all grown up, and some may not partake in our family events because of that. Our goal is to build a strong bond with *all* our officers.

I do want to clear up some questions and concerns that were raised in the survey:

- No, these events will not increase your dues. They have their own budget that is built into the annual overall PPA budget.
- St. Patrick's Day and Halloween parties would be hosted at the PPA building.
- Summer/Christmas party events would be at a local hotel.
- When we say "adults only," that means no children — only people 21 years and older.
- If the PPA hosts an adults-only function, we will provide round-trip transportation via taxicabs. We will contact the cab company ahead of time and let them know we will be having an event and need cabs.
- The PPA has done an amazing job for our members within its daily

responsibilities, but giving members a chance to let loose and have fun is also a responsibility we take seriously.

- Yes, the SPA has a Christmas party, but we wanted to host one specifically for our members only.
- We are *not* taking away *any* kid-friendly events — we just wanted to *add* some adults-only events.

We understand that there are scheduling issues, and unfortunately the adults-only events will happen on weekends. Hopefully we will be able to give you plenty of notice so you can make arrangements.

The PPA will be hosting a St. Patrick's Day event on March 16 starting at 3 p.m. We will be having a beer garden, DJ, games, food, and the Metro Honor Guard selling shirts and challenge coins. The idea behind the PPA hosting a St. Patrick's Day party is to build membership camaraderie. As I stated earlier, we will offer round-trip transportation via taxicabs. We encourage our members to take advantage of this service.

If you have any suggestions or concerns regarding events, please do not hesitate to contact our office at (702) 384-8692 or email events@lvppa.com. Stay safe. **VB**

See pages 18–19 for more details on our upcoming events!

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March 16

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April 13

11 a.m. to 2 p.m.

Police Memorial Park ~ All ages welcome

RETIREMENTS

12/26/2018	Michael D. Johnson	P# 5002	PO II	23 years
12/28/2018	Michael P. McIlroy	P# 3934	PO II	28 years
12/28/2018	Rick R. Christopherson	P# 5368	CO II	22 years
1/16/2019	Kevin C. McCord	P# 2951	PO II	33 years
1/25/2019	Jim B. Boubon	P# 6262	PO II	20 years
1/31/2019	William C. Corder	P# 4592	PO II	25 years
2/8/2019	Max V. Fraser	P# 12842	CO II	11 years

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2. No responsibility is assumed for unsolicited material.
3. Letters or articles submitted shall be limited to 500 words and must be accompanied by writer's name but may be reprinted without name or address at writer's request.
4. Freedom of expression is recognized within the bounds of good taste and limits of available space.
5. The Board of Directors reserves the right to edit submissions and/or include Editor's Notes to any submitted material.
6. The deadline for submissions to *LVPPA Vegas Beat* is approximately 30 days prior to the issue date.

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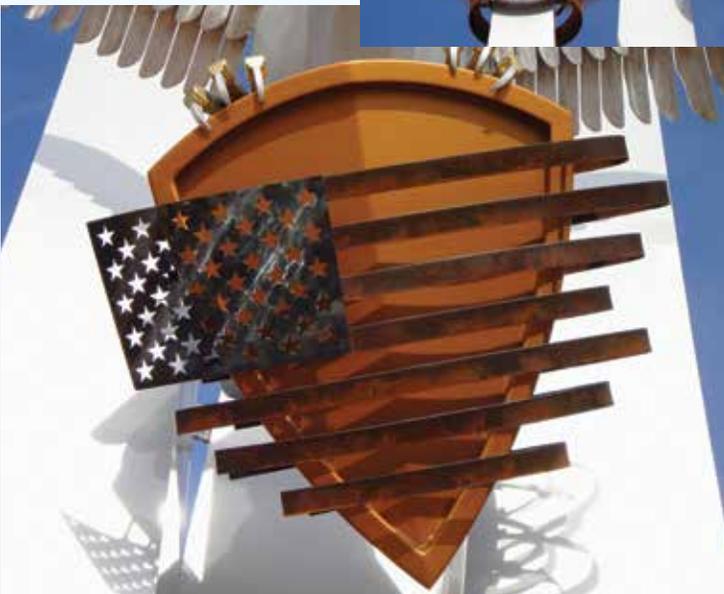
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The LVPPA invites all members to help take care of our own. The LVPPA has a 501(c)(3) charity organization now called the Law Enforcement Assistance Fund (LEAF). The goal of this organization is to help the survivors of fallen officers and ensure that 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. **VB**



**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
PAYROLL RECURRING DEDUCTIONS SHEET**

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

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

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

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

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

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