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

VOLUME 14 | ISSUE 2

July/August 2019



Officer Paul Solomon



Officer William Umana

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Heroism and
Bravery*

SEE PAGE 18





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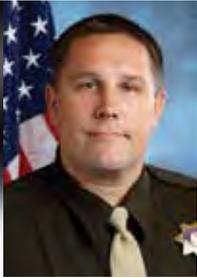
The Las Vegas Police Protective Association is affiliated with the following organizations at the state and national level:

NAPO – National Association of Police Organizations, representing over 241,000 law enforcement officer members in more than 1,000 police associations nationwide.

"BIG 50" – An informal association of the 50 largest law enforcement associations in the United States.

UCOPS – The United Coalition of Public Safety





President's Message

DETECTIVE STEVE GRAMMAS, PRESIDENT

Halfway Through 2019!

We are halfway through 2019, and the year has been very busy so far for the LVPPA. During the first six months of this year, we had LVMPD contract negotiations, City of Las Vegas contract negotiations, NAPO Top Cops Awards, several officer-involved shootings, the legislative session and multiple events for our members. I have put a lot on the plate of the Executive Board, and they have not disappointed. Whether it be before shift, after hours, RDOs or holidays, your Executive Board is always prepared to do what they need to do to make this organization one of the best in the country.

We have also handled a couple arbitrations when our officers were terminated, and in one of them we succeeded in bringing the officer back to work. At the time of this article, a decision was still pending in the other case. There have been several issues that we have involved ourselves in and handled before they even reached a level where our members heard about it. There is a ton of work that we get accomplished through our relationships with staff. I think, by now, LVMPD knows we want to resolve issues at the lowest levels, but we are definitely not afraid to fire a shot across the table when we need to.

At the end of the day, our membership comes first. In addition to our focus on the new collective bargaining agreement, we have been working diligently at the legislative session fighting for your rights and protection of

your benefits. In the past, we almost never attempted to open up NRS 289, the Police Officers Bill of Rights. The reason was because, upon opening the issue, we risked people jumping on board and weakening the rights offered to officers. In this session, we successfully opened 289 and came away with some of the greatest enhancements to your rights that have ever happened. The biggest P# 15084 piece was that if LVMPD was found to have violated your rights in the past, only your statement or whatever was derived from the violation was thrown out. Under the new law, LVMPD risks having the case overturned, including any discipline given to our officer. We have also included the ability to have an officer receive back pay if they are placed on leave-without-pay status for a felony criminal investigation. Also, your *Weingarten* rights are now included in 289. This simply means if *you*, not the supervisor, believe discipline could arise from the conversation, you have the right to representation.

These issues have been on our radar for a long time, and now was the time to go after the enhancement of your rights. Big thanks to Senate Majority Leader Nicole Cannizzaro for her support of the rights of our officers.

All labor groups also benefited from another bill that abolished SB 241, from the 2015 session, which was known as the union-busting bill. This new bill gives the PPA back everything we had to concede under SB 241 and saves our membership a substantial amount of money. There were other bills we worked on diligently during this session, including a PTSD and cancer bill. If you see Mike Ramirez out and about, please extend a "job well done" for getting us through the session. Mike worked tirelessly to support our membership as well as helping all officers across the state.

As we move through the rest of 2019, we will continue to stand up for our folks in an effort to make this the best police agency to work for in the country. The success of our agency depends on the officers who keep the streets safe. From patrol to the detectives to the corrections officers at CCDC and our partners at the City of Las Vegas, we are among the best in the country.

We know staff looks at a term like "morale" and thinks that since you are paid well, morale doesn't matter. We know it absolutely matters and can impact our ability to fight crime in the community. We will continue to roll out fun events for you all to enjoy and interact with your partners, and hopefully let you know we care about morale.

As always, stay safe, and if you need us, just call. **VB**

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Contract 2019

CORRECTIONS OFFICER SCOTT NICHOLAS

Vice President

Here's where we were when the Department declared impasse:

LVMPD's Compensation Package Proposal

This was LVMPD's last offer during contract negotiations.

Article 13.1 Salaries

Two-year agreement:

- First year: 2.25% COLA
- Second year: 2.25% COLA

LVMPD offered an additional .75% for each year if LVPPA agreed to the following:

- New hire salary range lowering corrections officer pay (new hires only) to \$10,300 per year when topped out!
- **Article 18 (all employees)** FLSA language, meaning if you use any type of your negotiated time off, you will only receive straight time pay until you have actually worked the full 80 hours in a pay period.
- The Department will determine compensation time and when you would be eligible to earn it!

Article 13.6. Probationary employees will be paid graveyard pay differential if they are working the hours outlined in the CBA.

Article 14.1 Clothing. LVMPD offered to raise the clothing allowance to \$1,650 if we agreed to lower the **Article 15.1** Health and Welfare contribution to \$10,250 per year.

LVPPA's Counter Offer Four-Year Agreement

Article 8.1 Holidays. Adding 9/11 as an official holiday.

Article 9 Vacation leave. Changing accrual years and accumulation time. Increase sellback to 60 hours.

Article 10.9 Abuse of sick leave in excess of annual accumulation. LVPPA agreed to withdraw this proposal if LVMPD agreed to our **10.12 Cash Out** language by increasing cash out of sick time to 1,750 hours.

Article 10.11 Sick buy back. Selling 75% of all hours over 1,250 each year.

Article 13.1 Salaries. Four-year proposal 4.5% COLA each year.

Article 13.2 ADP. No change from prior offers.

Article 13.3 Longevity. No change from prior proposals (bringing it back to all employees).

Article 13.4 Jury. Pay increase from two hours to four hours minimum.

Article 13.6 Shift Differential. Include resident officers.

Article 13.11 FTO Pay. Increase to 10%.

Article 14.1 Clothing. \$1,750 for each year of the agreement allowing the contribution to **Article 15 Health and Welfare** to be reduced to \$10,250 in year one of the contract and having a reopener in the second to fourth year for the contribution amount.

Arbitration

The contract committee will make a final list of articles to be presented at arbitration. All other articles are non-compensation related to the current CBA.

For those of you who are not familiar with the arbitration process, it's pretty simple. Both sides will present their case in front of an arbitrator. After closing arguments, the Department and LVPPA will submit their final offers in writing to the arbitrator. The arbitrator will then pick one offer or the other offer in its entirety. The arbitrator cannot take part of one offer and combine it with part of the other offer. It's all or nothing!

Dates for arbitration are set for August 27-30. Arbitrator Sylvia Skratek will be hearing arguments in the case. We expect to receive her decision around the end of October or early November.

Thank you for your membership. **VB**

Oktoberfest

September 21, 2019

21+ Only

Time 5pm — Whenever
Location LVPPA Office Building
Food, Drinks, Music and PPA
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CONGRATULATIONS

to the contest winners from the last issue!

May/June

P# Contest (\$50)

Darren Green, P# 6881

David Maruyama, P# 10010



New LVPPA Sports and Education Donation Process Now in Effect

POLICE OFFICER BRYAN YANT

Sergeant-at-Arms

Every member of the PPA is eligible to receive a once-a-calendar-year donation of \$100 to use toward sports and education fees. This donation is to offset fees the member or their child may pay. The PPA provides 12 donations per month. In the past, sports donations were awarded on a first-come, first-serve process. The first 12 requests received in the month were awarded the donation, oftentimes within the first few hours of the month.

To improve the process, we recently changed how sports donations are distributed. Effective June 1, the member must submit a request to sportsdonations@lvppa.com. The request must contain the member's name, P#, contact phone number and what sport or class the donation is for. An automatic response will be generated confirming the request. At the end of the month, all requests will be entered into a drawing and 12 requests will be awarded. The members P# 17685 who are awarded the donations will be notified. The member will be notified once the donation check is ready to be picked up at the PPA office. You will have 30 days to pick up the check; we will not 1,000-miler the checks due to many being lost in transit. After 30 days, the check will be canceled and you will not



be eligible to receive another donation for the year.

If you are not notified, you may resubmit your request each month to be eligible for future drawings. As a reminder, you are only eligible for one donation per calendar year. **VB**

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Nevada's 80th Legislative Session Is a Wrap

POLICE OFFICER MIKE RAMIREZ

Director of Governmental Affairs

Well, we did it! The 2019 80th legislative session has come to an end. I would like to thank everyone who supported me and showed up when asked to provide testimony at the Grant Sawyer Building. It was a long session, but we were able to get a lot of changes and additions that we needed. I would like to thank the Nevada Law Enforcement Coalition for all its help this session. Special thanks to Rick McCann from the Nevada Association of Public Safety Officers (NAPSO) for being right by my side the whole session doing battle with the legislators day in and day out. I would also like to thank the public employee coalition for its hard work and help.

Over the course of the session, I tracked over 80 bills covering a wide range of issues, including health care, PERS, collective bargaining, workers' compensation, Heart and Lung, Peace Officers Bill of Rights and More Cops. Here are some of the main bills that we helped get passed, along with some we helped kill.

AB 75: This was a PERS bill that wanted to change the current plan to a hybrid plan. We were able to work to get this bill killed.

AB 102: Assemblymember Ellison sponsored this bill. It enhances

the criminal penalty for certain crimes committed against certain family members of first responders.

AB 260: Assemblymember Roberts sponsored this bill. It allows for confidentiality during PEAP sessions. Now, if you happen to say something to Peer Support, it would be confidential.

AB 415: This is another PERS bill to adjust the contribution rate. We were able to work to get this bill killed.

AB 443: This is the More Cops bill to lift sunset language (big one). The language stated that the taxes funding More Cops were set to expire in 2025. This bill was signed by the governor.

AB 492: Assemblymembers Benitez-Thompson and Roberts sponsored this bill. It is our PTSD bill (big one). Now, first responders are allowed to get the help they need before it is too late. The governor signed this bill.

SB 27: This was another PERS bill to revise provisions governing the deferred compensation program. We were able to work to get this bill killed.

SB 83: This was another PERS bill that wanted the state controller to have control of the board. We were able to work to get this killed.

SB 111: Senator Parks sponsored this bill. It reduces the amount local government can exclude from collective bargaining. It went from 25% to 16.67% (big one).

SB 135: State employee collective bargaining. The bill is a start for state employees, but there is still a lot of work for them to do. Nonetheless, it gives state workers the chance to have collective bargaining.

SB 153: Senator Parks sponsored this bill. It is the reversal of SB 241, a union-busting bill that the Republicans enacted in the 2015 session. SB 153 reverses it and restores our ability to have the evergreen clause as well as our union release time. The concessions we have given over the years will be restored.

SB 158: Senator Harris sponsored this bill. It revises the definition of the term "supervisory employee" for collective bargaining. The governor signed this bill.

SB 215: Senator Cannizzaro sponsored this bill. This is our cancer bill that revises provisions relating to occupational diseases, adding ovarian, breast and uterus cancers to our benefit. Plus, it adds different carcinogens to the list (big one).

SB 224: Senator Ratti sponsored this bill. It is our PERS privacy bill. This bill allows for just your name and the amount you make. Now, the NPRIs of the world can't get your birth date, Social Security, beneficiary information or any other personal information (big one). The governor signed this bill.

SB 242: Senator Cannizzaro sponsored this bill. It is our Peace Officers Bill of Rights that allows you more protections (big one). The governor signed this bill.

SB 463: This bill relates to coroners. It addresses the determination of the cause of death throughout Nevada. It allows coroners throughout the state to test decedents for communicable diseases if a member of the coroner staff, a first responder and/or a good Samaritan is exposed to bodily fluids. It also allows us to provide bereavement services to those families impacted by a sudden or unexplained death of a loved one. And the section we are most excited about is that it allows all counties to increase the \$1 per death certificate to \$4 per death certificate, and it allows us to establish a program to promote the mental health of coroner employees, first responders and employees from other agencies who are impacted as a result of a mass casualty incident.

With that, I would say it was a good session for us as well as for public safety. As always, if you have any questions, you are more than welcome to reach out to me anytime at mramirez@lvppa.com. Be safe out there. **VB**

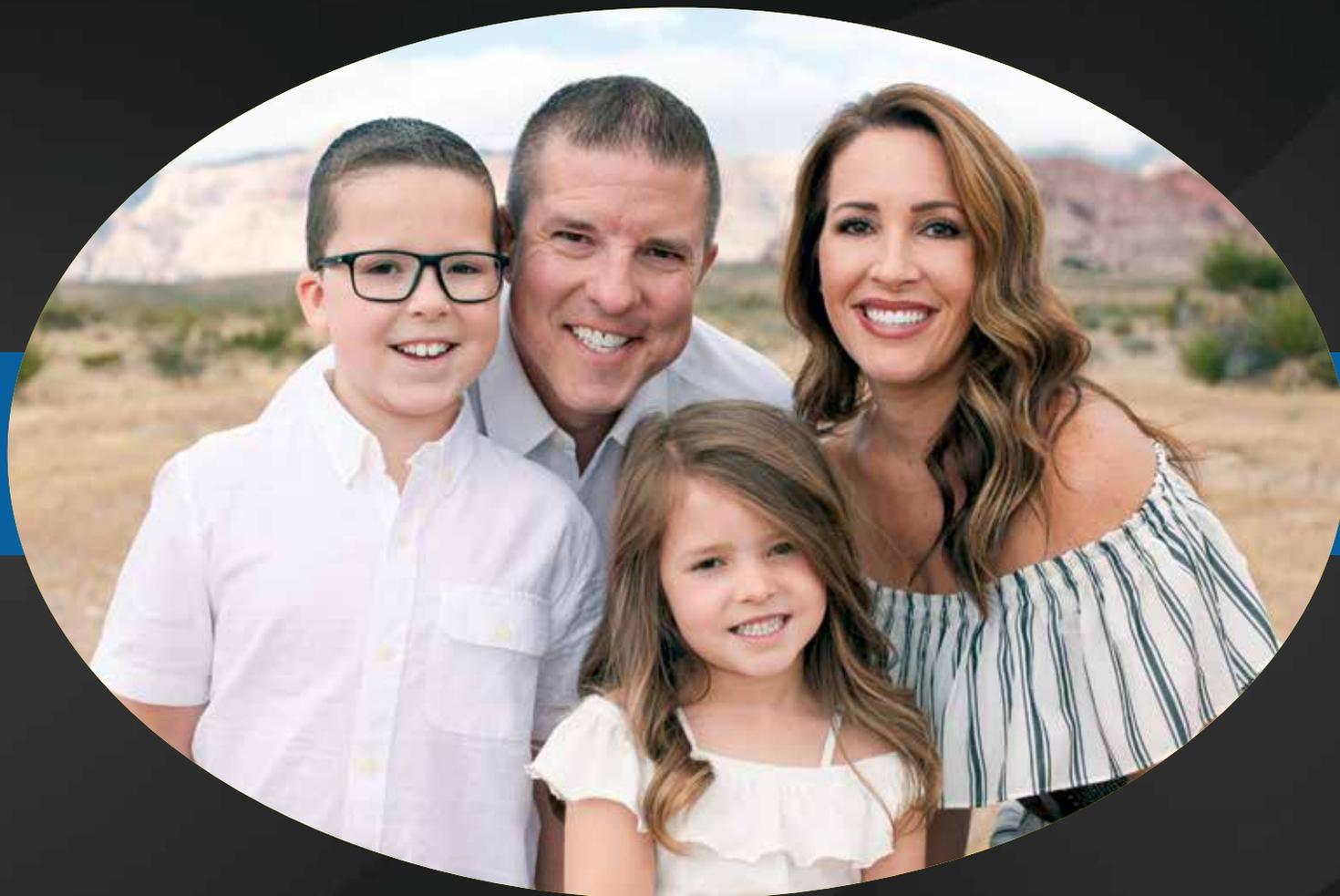


CALENDAR

July 4	Independence Day
July 30	Las Vegas Aviators game
August 18	Las Vegas Aviators game
September 2	Labor Day
September 5	General Membership Meeting, 5 p.m.*
September 21	Oktoberfest

*General Membership Meetings are quarterly rather than monthly. If you need to present something before the Board prior to a regularly scheduled General Membership Meeting, please contact the PPA office so you can be accommodated.

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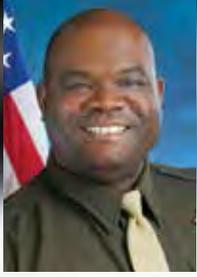
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How Do You Get the Most Out of People?

CORRECTIONS OFFICER MYRON HAMM

Director of Corrections

As an avid sports fan, I grew up watching and being a fan of the North Carolina Tar Heels basketball team. The team's coach, Dean Smith, was my favorite coach of all time. He always seemed to be in control, and I never saw him yelling or losing his cool before, during or after a game. The polar opposite of him would be someone like Coach Bobby Knight of the Indiana Hoosiers. Knight was a very successful coach, but unlike Smith, he was known for his temper and his abrasive tone with his players and the media. Retired NFL coach Bill Parcells once said, "I can't treat all my players the same because they are different." He stated that yelling at then-All-Pro linebacker Lawrence Taylor would get you nowhere, but that yelling at his backup was acceptable.

I once sat in on a grievance meeting with a now-retired captain, and he informed me that he had been to many training classes and that the types of books used in these classes were authored by highly successful people such as Martha Stewart and Steve Jobs. He stated that these people yelled at and used profane language toward their employees to get the most out of them. He told me that as a *boss*, this was a management style and an acceptable method to get the most out of an employee. I told him that I disagreed with

this method and that I had a 7-year-old son to whom I could get my point across without yelling or using profanity.

I have been through basic military training, leadership school in the USAF, Metro Academy training and SERT training. Each training was difficult, but the methods used P# 17662 were necessary. But to think that it is OK to use bullying and fear tactics outside of a training environment is insane. The last time I checked, I am not allowed to use profanity toward a citizen or an inmate, so why would it be acceptable for a supervisor to yell at and use profanity toward an officer? I understand the need for a supervisor to discipline or correct bad behavior, but if yelling and using profanity is your management style, then you probably are heading for a short career. I am reminded of a situation a few years ago in which a supervisor called an officer, cursing and yelling at him. The officer warned the supervisor not to do it again, and when he did, the officer hung up on him. For his trouble, the officer was hit with a manifest disrespect charge.

Where does the line in the sand end? How much, as an adult, do you have to take before you lash out? I think people think just because they have been promoted they feel they have the right to yell at and demean employees. I will respect any and all supervisors as long as they understand that the respect has to go both ways. Stripes and bars are not the true measure of a leader. If you have to remind someone of your status in every conversation, then you are probably in over your head and have no clue what it takes to lead. When a leader demeans or yells at someone, or tells them they can affect their employment, it is an act of cowardice, and it should not be tolerated by anyone. A wise man once said to me, "Leadership is not a position or a title, it is action and example." **VB**

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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2019 Mid-Year Financial Status

DETECTIVE BRIAN GRAMMAS

Treasurer

I have been the treasurer of the LVPPA for the last year and a half, and as the treasurer, it is my duty to let the membership know the financial status of the LVPPA.

First and foremost, the overall financial health of the LVPPA is excellent. The LVPPA's total assets are over \$13,500,000. For the 2019 year, as of June 3, our investments are up \$388,268 from the end of last year. With the help of our financial advisers, the September compiled financial statements have our investments over \$7.3 million. I spoke with our Peavine Capital CFA, and he advised me that he would be taking a conservative structured strategy for the next few months because he feels the markets will stay bumpy. Our investment portfolio asset allocation is as follows: 37.8% cash, 37% stocks and 25.3% bonds. For our year-to-date investments, we are averaging a 6.4% return. At our June general membership meeting, the Board of Directors unanimously voted to freeze the dues for 2019-2020. We are still going in a positive direction with our cash flow, and because of this trend, we were able to add another event for our members. The PPA will be hosting its first Oktoberfest this year. When our finances are strong, we are able to give back to our members.

Members are welcome to view the financial statements for themselves at the LVPPA office. If you have any questions about the finances of the PPA, please feel free to contact me or another Executive Board member. We will be happy to answer any questions you may have. **VB**

RETIREMENTS

5/14/2019	Felix Iverson	P# 13850	CO II	10 Years
5/23/2019	David Olive	P# 7565	PO II	17 Years
5/27/2019	Mark Cruz	P# 5828	PO II	10 Years
5/31/2019	Frank Jablonski	P# 5738	CO II	21 Years
6/5/2019	George Saab	P# 5753	PO II	21 Years
6/12/2019	James Ledogar	P# 7411	PO II	17 Years



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OFFICER JOHN ABEL
Secretary

I reached my one-year mark as a full-time LVPPA union representative in June. As I look back over the last year, many things stick out in my mind. First, this is by far the most rewarding position I have ever had the pleasure of working. The other seven full-time representatives are some of the most professional and knowledgeable people I have ever worked with. Along with David Roger and Kelly Sweeney, the LVPPA team is the best we have had since I became a member of the LVMPD.

This position is also the most challenging P# 00127 position I have ever had because of the departmental political landscape that we as union representatives often find ourselves in. The last year has been a steep learning curve through which I have had to check my ego and always do what I feel is best for the members I represented in Internal Affairs interviews, arbitrations and contract negotiations.

The expectations from our union president, Steve Grammas, are immense, but I have found that they push me to keep challenging myself to be a better representative for our 3,000-plus members. As I have traveled around the Department for grievance meetings, area command briefings and other meetings, I often hear officers say, "I did not want to bother you with an issue," when I asked, "Why didn't you call me?" I want to make it clear that when I say I am available 24/7, that I am not giving you lip service. One of the expectations the PPA president has of me is, when an officer calls me, I need

to answer my phone, day or night. So when I say I am available 24/7, I mean it.

It is also never lost on me the expectations you as LVPPA members have of me. You pay your monthly dues, and for those dues, you expect steadfast representation and advice when dealing with departmental issues, and I take that seriously.

As my first year as one of your representatives passes, I would be remiss if I did not pass along advice to officers from events and investigations I have helped represent officers with. First, if a PPA representative gives you advice about an issue you are dealing with, it is in your best interest to follow our advice. Also, when you call the LVPPA with an issue, most times it cannot be solved overnight. Sometimes it may take months for a resolution. What you do not see is the seven Executive Board representatives working behind the scenes to solve your issue. Your issue may be a part of a bigger issue that affects many officers, so it takes time to come to a resolution.

Lastly, as a member of the LVPPA, I would ask that you stay engaged with union issues. There are times when we may need you to pack a County Commission meeting to send a message to county leaders who make decisions that may affect us negatively. In my opinion, we could see some of the liberal policies that affect West Coast officers creep their way into our Department, and we may need you to voice your opinion as a boots-on-the-ground officer as to how changes to policy and law can make your already difficult job more difficult.

Let me reiterate that if you have a question or a concern, you can reach me anytime at (702) 468-0766 or at Jabel@lvppa.com. **VB**

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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 will be entered into a drawing for \$250. You must enter by Thursday, August 8, 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!

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



DAVID ROGER
General Counsel

Major Improvements to Nevada's Peace Officers Bill of Rights

Mike Ramirez, director of governmental relations, worked tirelessly throughout the legislative session to strengthen the protections you enjoy as a peace officer. On June 6, Governor Steve Sisolak signed into law SB 242, which provides Nevada law enforcement officers very important rights. The bill drastically changes NRS 289 Peace Officers Bill of Rights. Here are a few of the amendments.

Remedy for NRS 289 Violations: Dismissal With Prejudice

"If an arbitrator or court determines that evidence was obtained during an investigation of a peace officer concerning conduct that could result in punitive action in a manner which violates any provision of NRS 289.010 to 289.120, inclusive, and section 1 of this act, the arbitrator or court shall dismiss with prejudice the administrative proceeding commenced or civil action filed against the peace officer."

This is the most important change to the statute. The law now mandates that an arbitrator or judge must dismiss the charges against you if the Department violates any of your rights.

Weingarten Rights

"If a peace officer requests representation while being questioned by a superior officer on any matter that the peace officer reasonably believes could result in punitive action, the questioning must cease immediately and the peace officer must be allowed a reasonable opportunity to arrange for the presence and assistance of a representative before the questioning may resume."

This change codifies your constitutional right to representation. As discussed above, if the Department violates your right to representation, an arbitrator must dismiss the Department's case against you.

Refusal to Comply With an "Order" to Cooperate in a Criminal Investigation Is Insubordination

"If a peace officer refuses to comply with [a request] *an order* by a superior officer to cooperate with the peace officer's own or any other law enforcement agency in a criminal investigation, the agency may charge the peace officer with insubordination."

This change was necessary because Criminal IAB was using the statute to coerce officers to give statements or lose their jobs. The amendment changed the verbiage from "request" to "order." This simple change now gives officer's *Garrity* protections if criminal investigators use the statute to require officers to give statements in criminal investigations.

Garrity Statements May Not Be Disclosed in Civil Cases Except for Impeachment

"Except as otherwise provided in this subsection, any statement a peace officer is compelled to make pursuant to this chapter shall not be disclosed or used in a civil case against the peace officer without the consent of the peace officer. Such a statement may be used in an administrative hearing or civil case regarding the employment of the peace officer. In a civil case, the court may review the statement in camera to determine whether the statement is inconsistent with the testimony of the peace officer and release any inconsistent statement to the opposing party for purposes of impeachment."

This statute will prohibit civil attorneys from obtaining your IAB and CIRT statements.

One-Year Statute of Limitations for Initiating Investigations Except for Criminal Conduct

"Except as otherwise provided in this subsection, an investigation of a peace officer may be conducted in response to a complaint or allegation that the peace officer has engaged in activities which could result in punitive action. A law enforcement agency shall not conduct an investigation pursuant to this subsection if the activities of the peace officer occurred more than 1 year from the date of the filing of a complaint or allegation with the law enforcement agency unless the alleged misconduct would be a crime punishable pursuant to state or federal law."

This statute will prohibit the Department from investigating old complaints against you unless the alleged misconduct is criminal.

IAB May Not Reopen an Investigation After Officer Is Cleared Absent Newly Discovered Evidence

"If the law enforcement agency concludes that the peace officer did not violate a statute, policy, rule or regulation, the law enforcement agency shall not reopen the investigation unless the law enforcement agency discovers new material evidence related to the matter."

Once you are cleared by IAB, the Department may not change the final decision unless there is newly discovered material evidence.

Department May Not Reassign Officer Pending Investigation

"Except as otherwise provided in subsection 5, a law enforcement agency shall not reassign a peace officer temporarily or permanently without his or her consent during or pursuant to an investigation conducted pursuant to this section or when there is a hearing relating to such an investigation that is pending.

"(5) A law enforcement agency may reassign a peace

officer temporarily or permanently without his or her consent during or pursuant to an investigation conducted pursuant to this section or when there is a hearing relating to such an investigation that is pending if the law enforcement agency finds, based on specific facts or circumstances, that reassignment of the peace officer is necessary to maintain the efficient operation of the law enforcement agency.”

This change is intended to prohibit the Department from moving you to the cameras while they investigate allegations of misconduct. The exception was created for small agencies in rural Nevada.

Now, the Department must either expedite the investigation or place you on paid administrative leave.

Pre-Interview Disclosure of Information

“The law enforcement agency conducting the interview, interrogation or hearing shall allow a representative of the peace officer to: (a) Inspect the following if related to the investigation and in the possession of the law enforcement agency: (1) Physical evidence; (2) Audio recordings, photographs and video recordings; and (3) Statements made by or attributed to the peace officer.”

While LVMPD has provided officers access to relevant information, many law enforcement agencies do not. This statute codifies the Department’s practice.

Back Pay After Dismissal or Acquittal for Leave Without Pay If No Discipline

“If a law enforcement agency suspends a peace officer

“Mike Ramirez has accomplished enacting legislation that will surely be the envy of every law enforcement association throughout the country.”

without pay pending the outcome of a criminal prosecution, the law enforcement agency shall award the peace officer back pay for the duration of the suspension if: (1) The charges against the peace officer are dismissed; (2) The peace officer is found not guilty at trial; or (3) The peace officer is not subjected to punitive action in connection with the alleged misconduct.”

Mike Ramirez has accomplished enacting legislation that will surely be the envy of every law enforcement association throughout the country. Thank you, Senator Nicole Cannizzaro, for sponsoring this important bill for Nevada peace officers. **VB**

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Photos by Myron Hamm

MEMORIES OF NATIONAL POLICE WEEK

ADELLA SOLANO Events Coordinator



May 10 marked the beginning of National Police Week. I was deeply honored to be involved in the events in Washington, D.C., honoring the dedication, hard work and sacrifices made by those who choose to serve their communities. Law enforcement officers from all over the world descended upon our nation's capital for a few days of celebration, reflection and memorial ceremonies. It is hard to keep up with the number of officers I met. Representatives from San Jose P.D., Miami P.D., New York, Boston, North Carolina, Idaho, Wyoming, New Jersey, Michigan, Virginia and more places than I can remember at this time all in one place and all there for a common goal.

The weekend was kicked off with the arrival of the Police Unity Tour. More than 2,000 officers participated in this 350-mile bike ride that culminated in Washington, D.C. This year was taxing due to the weather, but our brothers and sisters would not let a little rain or cold stand in their way. I was excited to see a strong group from LVMPD participate as usual. I was really excited to meet the brother and sister of Officer Alyn Beck; they both participated in the bike ride in honor of their brother who was killed in the line of duty in 2014. I spoke with Pat Burke and Russ Wood as they completed their ride, and I was very proud of all the members of our team.

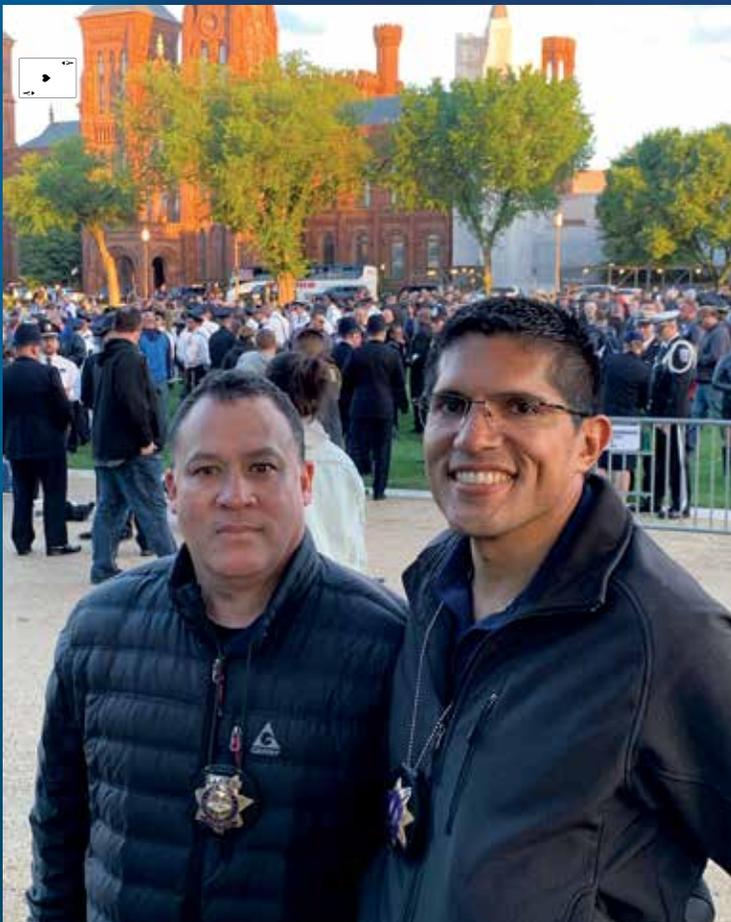


The PPA also held a drawing, and two members from our general membership and two members from our Board were selected to attend Police Week activities in D.C. Officers Richard Mosher and David Arciniega won the general membership drawing by attending the general membership meetings. Officers Paul Wojick and Dave Martel won the drawing as Board of Director members.

This year, the Top Cops Awards dinner was held at the Omni Shoreham Hotel in northwest D.C. We had two officers recognized as Top Cops for their heroic efforts in dealing with one of the most incredible high-speed

chases and shootouts. Officers William Umama and Paul Solomon received a standing ovation for their actions when their video was shown.

The weekend culminated with the candlelight vigil where the names of 350 officers were read and enshrined on the National Law Enforcement Officers Memorial wall. The scene is always incredible, thousands of law enforcement personnel and their families gather to pay their respects to those we have lost. I am deeply humbled to have any part in these festivities, and the showing of support and love from the general public is overwhelming. **VB**



TOP COPS Awards 2019



The 26th annual NAPO Top Cops Awards dinner was held on May 12 at the Omni Shoreham Hotel in Washington, D.C., in conjunction with the celebration of National Police Week. At this year's ceremony, the Las Vegas Metropolitan Police Department added two more officers to its impressive number of Top Cop recipients. Officers William Umana and Paul Solomon were honored for their heroic and decisive actions during a deadly shootout with two murder suspects in downtown Las Vegas last year.

On July 11, 2018, Officers Umana and Solomon became involved in a high-speed pursuit and shootout with two suspects, Fidel Miranda and Rene Nunez. During the pursuit, the suspects fired nearly three dozen rounds out of their SUV at the officers. Umana returned fire by shooting through his car's windshield. One of the suspects was eventually hit and the SUV crashed into an elementary school wall. Miranda then put his SUV into reverse to back into Umana, who was outside his cruiser. Solomon used his shotgun to shoot and kill Miranda, and Nunez was taken into custody. The incident ended without any innocent lives taken.

Body-worn camera footage from the pursuit went viral on national news, and the officers received nationwide praise for their handling of the incident.

"It's not something that we train for, but we're prepared," Metro Assistant Sheriff Tim Kelly said at a news conference about the incident. "As you can see [from the body-worn camera footage], the officer trained his weapon, once he got behind it, and fired in a clear pattern through his window to try to stop that threat ... The officer could have backed off, but he didn't."

Umana and Solomon have been with the Department since August 2001 and September 2005, respectively.

We congratulate them both for their bravery and going above and beyond to protect our communities. **VB**



Photos by Jenifer Morris Photography



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COMPUTERS, NOT LIGHT SWITCHES

UNDERSTANDING OFFICER REACTION TIME IN DEADLY FORCE ENCOUNTERS



OFFICER CHAD LYMAN
LVPPA Director

Humans are much more like computers than light switches.”

LVPPA President Steve Grammas said this to me as we were speaking recently about a shooting in which officers had fired multiple rounds. Officers provided their initial CIRT interview where they articulated the suspect’s actions and their own force-option response

to the threat. They were asked to provide a second taped interview where they were asked to articulate each individual round and the precise conditions under which they fired that round as we are accountable for every round we fire. To be clear, this second interview was not required by the officers in CIRT, but rather that order for a second interview came from above them.

While it is true we are accountable for every round, I believe the officers articulated the need for lethal force and the reason they stopped firing in the first interview. The implied concern is with “so many rounds” the officers continued to fire when they no longer had a threat (that is completely subjective — how many is too many against a lethal threat?).

Officer-involved shootings typically take very little time. The actual gun-fire exchange is usually less than six seconds. Due to human factors, such as the spike in heart rate that typically occurs, officers get involved in several “races.” One is a race to recognize, process and respond to the actual lethal threat. Once that lethal threat is recognized and the officer has identified it and realized that, at that moment, there are no other reasonable force options

(preclusion has been reached), the race becomes a race to the first relevant round. As the officer is in the fight, dealing with the human issues, he is still evaluating the suspect’s behavior and the threat level the suspect is creating through their actions. The final race here is to stop the application of lethal force due to the suspect’s changing behavior — such as being overcome by the administered force or deciding to comply — and the officer recognizing that change and adjusting his administration of force.

Once again, the officer is a computer, not a light switch. How rapidly this all happens — from recognition, reaction to recognition that the threat is over, to reaction — takes time. Because each stage of the process takes time, it is not unusual for the suspect to begin to resist with deadly force before the officer responds — the suspect often goes first and is actually exhibiting a lethal threat before lethal force is administered — and for the officer to still be administering lethal force after the threat has changed or gone away. The more complex and demanding the scenario is, the more time it can take to process and respond to each stage.

Researchers Weigh In

Researchers have examined these times in various studies over the years. Ironically, a study posted in the *Law Enforcement Executive Forum*, Vol. 14, No. 2 in June 2014, actually used a light switch to attempt to get a simple baseline. The study was completed by Dr. William J. Lewinski, Dr. William B. Hudson and Jennifer L. Dysterheft.

The researchers were interested in establishing these times because critical incidents are often much different than shooting experience gained through training on the range. On the range, we are given a string of fire, we hear a signal, we draw and fire the prescribed response, and then that string of fire is over. In real life, suspects who are a lethal threat are rarely stopped by a



WHEN THE OFFICER FACES MORE COMPLEX STIMULI, LIKE IN A REAL-WORLD LETHAL FORCE ENCOUNTER, THE PROCESS TO PERCEIVE THE THREAT AND REACT CAN TAKE UP TO .56 SECONDS.

single round. Medical research documented in the above paper supports this statement: 64% of suspects with gunshot wounds to the chest and abdomen and 36% of rounds to the head and neck can survive for over five minutes and continue to physically fight (Adams et al., 2009; Levy & Rao, 1988; Newgard, 1992; Spitz, Petty, & Fisher, 1961).

A LEO example of the suspect's ability to fight even after officers have administered lethal force is the infamous FBI Miami shootout with armed and committed bank robbers. These suspects were shot several times to the head, spine and lungs, and they continued to fight back. The suspects killed two agents and injured six more before finally ceasing their aggravated aggressive resistance (Federal Bureau of Investigation [FBI], 1986).

When you combine the fact that suspects can continue to use lethal force even after being lethally injured with the time it takes for each stage, especially under the stress of human factors, officers continue to apply force until the lethal threat goes away. Often, due to human factors, officers know they fired, they know why, they know why they stopped, but they have no idea how many times they fired. This is why it is much more accurate to determine articulation for the actual threat, beginning to respond, seeing a change in suspect behavior and

then the officer ceasing that force as a complete volley rather than each shot, including rounds officers can't even remember.

To attempt to understand the time it takes to recognize, engage, recognize and stop (specifically trigger pulls), Lewinski, Hudson and Dysterheft have conducted several experiments. In the simplest stages, the officers responded to a stimulus of a light being switched on. In this simple start/stop experiment, it took the average officer .28 seconds to recognize the stimulus (which they had been briefed as to what it was and that it would be happening — the only true surprise would be when the light would appear), and then an additional .06 seconds to pull the trigger. The average cadence of fire for an officer to perceive a threat and one single round while on target is .34 seconds with the simplest stimuli. When the officer faces more complex stimuli, like in a real-world lethal force encounter, the process to perceive the threat and react can take up to .56 seconds. Officers are dealing with a multitude of stimuli, some dangerous to them or others, and some that are not.

Processing the Threat

Case law refers to these situations as tense, uncertain and rapidly evolving, and the challenges of such elevated circumstances on perception and human performance have been well documented as well. The elevated reaction times in these circumstances can also lead to officers taking longer to react to a "stop shooting" signal. If we use the same .56 second time frame as a guide and account for all of the uncertainty of high-stress encounters, we can anticipate that officers may fire anywhere from zero to four or five rounds as they process the stop-shooting indicators and actually complete that process. We are more like computers than light

switches. We have to process the threat, respond, process the change in the threat and respond. The force we deliver within that start/stop response is all based on the same articulation that justified the start response in the first place. As the suspect's behavior and/or threat level changes, the officer's response changes.

While it is true that all my use of force must be documented and accounted for in a situation where I fire 13 consecutive rounds with no break of at least .56 seconds or longer between each trigger pull (more likely there will be almost no discernable break between trigger pulls), the most important use-of-force questions are: what was occurring when I started to fire; was the threat present for my entire string of fire; and when did the bad guy's behavior change? As we analyze when behavior changed and officer response, we have to take into account the officer is forced by the suspect's actions and threat level to use force and evaluate what is happening simultaneously to prevent substantial injuries or death to themselves or others. It is completely reasonable and lawful for that process to take time (because it does) and the officer to have rounds that are fired as the threat dissipates or shortly after it is stopped.

Continued on page 22



COMPUTERS, NOT LIGHT SWITCHES

Continued from page 21

An example of the above may be officers are in the area of an armed robbery and see a man matching the suspect description and attempt to stop him. The suspect pulls a gun and engages the officers. The officers discern the lethal threat and engage the suspect with lethal force. During the exchange, the suspect is hit P# 16737 and falls to the ground and his gun comes offline from the officers, but they continue to fire as they perceive the change, recognize the threat is changing and decide lethal force is no longer needed. It all takes time to process, and to take a pause while the suspect is actually using aggravated aggressive resistance to actually confirm what you already perceived (the suspect is using lethal force on you) and then attempt to get back into that fight is silly. Why did we fire so

many rounds? Because the suspect presented a lethal threat and we addressed it until it wasn't a lethal threat any longer. It doesn't mean that an evaluation isn't happening, but it is important to understand it is happening in a lethal event caused by the suspect where second place means death. There is no legal expectation that a suspect only be shot "x" amount of times, checked on, then addressed some more, checked on, then addressed, etc. That is not to say that officers will never have events where they engage, perceive a change in behavior, stop shooting and then have to shoot again. Those times happen as well. Starts and stops in application of force during police calls happen as suspect behavior changes, and these circumstances vary from call to call.

Training: Update Your Software

As you consider these events, remember the officers are like computers and not light switches. From the individual officer perspective, this is another reason I am an unabashed proponent of training on a regular basis; a little, a lot. If you are a computer, what is your operating system composed of? How much software have you put into your operating system through ongoing consistent training? Have you given yourself updates and upgrades over time, or is your system slow and outdated? Do you understand the software you have and can you use it efficiently? Can you apply the systems you have in place, or if under the stress of a real application, will your system crash?

If you want the best results, remember to train consistently over time. If you are in a position to judge these events and you don't understand starting and stopping requires very complex decision-making under the most challenging of circumstances and takes time, as opposed to just "switching" it on and off, go get yourself a software update so you can realistically understand and evaluate these complex events.

To those of you who go in harm's way, expose yourself to lethal threats willingly and do what it takes to stop these threats, thank you. Keep training a little, a lot on a consistent basis so that you will be ready to deal with the threat when it occurs, and for the scrutiny and investigation that will come in the aftermath. Get ready, stay ready and stay safe. **VB**

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