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See Page 12

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

VOLUME 14 | ISSUE 3

September/October 2019

RESPECT THE BADGE

Attacks on Law Enforcement Are Unacceptable

**LVPPA STANDS
BEHIND YOU**

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**RESPECT IS A
TWO-WAY STREET**

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**PRESERVING THE
USE-OF-FORCE STANDARD**

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

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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

Challenger Little League

Everyone knows the basic work of the LVPPA. Our primary direction is representing our officers and negotiating the Collective Bargaining Agreement. While those are two of the main pillars of what we do, we also have the opportunity to do a lot of good in the community. We have done rewards for Nevada Reading Week, book drives, toy drives and countless donations to charitable organizations like Special Olympics, Down Syndrome of Nevada, Project 150 and the Epilepsy Foundation.

As we continue to find new ways to make an impact in our community, one of the organizations we work with is Challenger Little League. 2019 marked the second year we were involved with them and were honored to be invited to their award ceremony. The Challenger Division is Little League's adaptive baseball program for individuals with physical and intellectual challenges. The local chapter is run by retired LVMPD Corrections Officer Thomas Taycher. Thomas and his wife and staff devote all their available time to this amazing league and its players and families.

In 2018, the LVPPA did our first sponsorship of the league. At the end of the season, I was able to attend their awards ceremony and was fully immersed in the great things the league does. I was able to meet our sponsored team, the LVPPA Deputies, and assist in handing out their medals and awards for the season. After leaving the ceremony, I told the Executive Board that we needed to increase our contribution to this amazing cause. In 2019, we did just that! Brian Grammas attended the 2019 awards ceremony with me, as he and I have always shared a love for sports. During the ceremony, Brian was able to experience the same amazing things I had experienced the previous year. We left with an expanded vision for the 2020 season that will go far beyond a simple donation.

What is amazing about this league is the true spirit of sports. There are plenty of great people out there, young and old, who have a disability and just want a chance to play the game of baseball. This league provides that! It used to only cater to kids under 18 years of age, but Thomas recognized that he couldn't turn away the players who wanted to continue playing baseball just because they aged out. So he opened up the older division as well, to allow all people with special needs to still be able to participate.

For the 2020 season, the LVPPA will be asking some of our officers to assist us in one specific project for the league. If you are interested in helping or donating to this great cause, please feel free to reach out to me. Enjoy the photos of the kids I've included with this article, and recognize that the LVPPA loves giving back to our community. I believe that when we are put in positions to help others, we should jump at the chance.

I want to thank all of our members for allowing me to be your president so I can make some of this happen. There is no greater gift than to help others. Thank you all for your membership and friendship. Be safe! **VB**





Contract Update

CORRECTIONS OFFICER SCOTT NICHOLAS

Vice President

The LVPPA contract committee is continuously working and preparing for arbitration, scheduled for August 27–30. We will continue to have an open door with the LVMPD prior to arbitration in the hope that we can negotiate some of the articles that might not make the final list for the arbitration hearing.

Here is the new contract language that has already been signed by the PPA and the department:

Article 4.4 (M)

If an employee accepts an expedited investigation the purge date will start the date Labor Relations receives the signed expedited agreement.

This new language was put in place to allow the chain of command time to author your adjudication without extending the purge time in your file.

Article 9.4 Approval

Application for vacation leave must be approved in advance of taking leave. The supervisor or his designee shall decide whether to allow the requested leave within fourteen (14) calendar days of the submittal. If the supervisor fails to

respond within the allotted time, the leave shall be deemed to be granted. If the requested leave is denied, the supervisor will provide a reason.

Article 9.8

Professional leave approval is also a maximum of 14 days.

All other language in Article 9.8 still applies to approval or denial of a professional day request.

Article 9.9 NEW

Personal Leave. An employee may use personal leave for emergent circumstances that prevent them from work in increments of four (4) hours up to a maximum of 24 hours annually. The employee may use vacation leave, bonus leave or their professional leave days only.

*This new language is to prevent an officer from being placed on leave without pay (LWOP) when there are circumstances beyond their control. Example: You are delayed at the Dallas airport because of weather, and cannot get another flight home prior to your shift. Prior to this agreement your supervisor could place you on LWOP for that shift. The supervisor was not required to place you on LWOP, but some of our (Dirty Dozen) supervisors have done this in the past when officers had situations like this, or even when they had a flat tire or overslept. **VB***

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We Stand Behind You

POLICE OFFICER BRYAN YANT

Sergeant-at-Arms

Recently on social media and in the news, we have witnessed the unspeakable and disrespectful actions of violence against NYPD officers. The simple fact that their actions were celebrated by a small fraction of people shows the breakdown in our values and morals that our society continues to approve with these despicable acts that disrespect law enforcement. It is completely unacceptable that Commissioner James O'Neill and Mayor Bill de Blasio have created an environment that allows the criminals to run amuck without consequences.

With this going on, many officers have wondered, are we next? Will this trend happen here, and what direction does LVMPD expect of its officers? Steve Grammas quickly called Sheriff Lombardo to discuss this issue. Sheriff Lombardo's response was swift: He had an LVMPD administrative notice drafted to give clear directions on these events, should officers encounter a situation like what was seen in NYC.

We stand behind you and encourage you to continue to handle yourself professionally while providing the members of our community with the finest police service. Watch out for your partners, and at the end of your shift, make it home safely. We are always available to assist you and provide guidance. **VB**

AN-011-19-Water Dousing Incidents

PDF - 122 KB

ADMINISTRATIVE

Las Vegas Metropolitan Police Department

NOTICE

Partners with the Community

TO :	ALL PERSONNEL	July 25, 2019	Directive No AN-011-19
SUBJECT :	WATER DOUSING INCIDENTS		
Additional Information :	N/A		
Approval Signature :		Joseph Lombardo, Sheriff Kevin McMahon, Undersheriff	

Recently, media reports have highlighted law enforcement officers being assaulted in incidents across the country. Groups and individuals were seen throwing buckets of water at officers, using water guns on officers, and in one instance, a bucket was thrown at an officer.

When LVMPD officers are performing their duties and approached by individuals throwing a liquid substance at them, the Department considers this behavior unlawful. These events are criminal, and officers are not expected to walk away. Officer safety is paramount. Be aware of the number of individuals involved, and call for additional units if necessary. It is important to act professionally, not overreact, and take steps to deescalate the situation.

NRS 197.190, Obstructing public officer allows for arresting any individual who shall willfully hinder, delay, or obstruct any public officer in the discharge of official powers or duties.

Applicable charges could include:

1. Assault
2. Battery on an officer
3. Obstructing

Any incidences of this nature will be reported to the watch commander.

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Your Participation Makes a Difference

POLICE OFFICER MIKE RAMIREZ

Director of Governmental Affairs

Once again, it's *showtime!* We are getting to that point in the year when political candidates are blowing up my phone to inquire about the process of getting our law enforcement endorsements. The fact-finding process for us not only includes how a candidate previously voted on bills related to our industry and their views on law enforcement issues, but also personal experiences from our members. If any of you have had positive or negative experiences with a judge, county commissioner, city councilperson or state legislator, it would be very helpful to get your feedback. Please contact me via phone or email with details of the interaction so that we are prepared to address it with them during the endorsement interview process. It is also an option to meet at the LVPPA office to discuss your observations.

The 2019 legislative session ended 60 days ago, but the process for upcoming elections is already in full force. Sometimes it feels like a never-ending process, and in many ways, that is the case. Each week I meet with political candidates and elected officials. One common thread I have heard is how powerful it is for them to see and hear from our officers regarding issues that affect our profession. In other words, outside of election season

and other than actually voting at the polls, I can be your voice as I meet with them regularly. Many new candidates do not have a lot of experience in dealing with the profession of law enforcement, and it is a learning experience for them. As I have said a million times, P# 17397 it truly makes a difference for us to get the right people in place. This session we successfully garnered some of the biggest Peace Officer Bill of Rights changes in LVMPD history, and a lot of that had to do with who we endorsed and helped get elected.

The LVPPA has been making the rounds at station shift briefings to update our members on current issues, changes, etc. Now that the session is over, I have been able to update everyone on the legislative changes that affect them. Several members have expressed disappointment that the Heart and Lung bill did not change the law. Honestly, I believe this bill died due to a lack of participation on our officers' part by not showing up at the Grant Sawyer Building in Las Vegas to speak in support of the bill. At each and every session, I ask for officers to speak (or at least show up) to either support or oppose important bills that affect not only our industry as a whole, but also our personal livelihoods. I take my job as your union intergovernmental affairs representative very seriously, because I believe we deserve to protect our rights and retirement benefits. I am only one person, but I firmly believe that if we were able to get 20 or 30 officers to show up and be heard, we would have a better chance of getting the changes that we seek. One example of this would be the civil service hearing, where plenty of corrections officers showed up to speak in support, and the end result was success.

I cannot stress enough that if you have questions about the endorsement process, I am always available to discuss. Feel free to contact me at mramirez@lvppa.com or (702) 373-1006. **VB**



CALENDAR

September 2 Labor Day

September 5 General Membership Meeting, 5 p.m.*

September 21 LVPPA Oktoberfest

October 5 UNLV Tailgate (Boise)

October 12 Vegas Golden Knights Game

October 25 Nevada Day

October 25 Trunk or Treat

**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.*

CONGRATULATIONS

to the contest winners from the last issues!

May/June

Hidden Symbol Contest (\$250)

Jake Freeman, P# 16957

July/August

Hidden Symbol Contest (\$250)

Troy Radke, P# 5255

P# Contest (\$50)

Christopher Dinh, P# 15084

Brett Hayden, P# 17662

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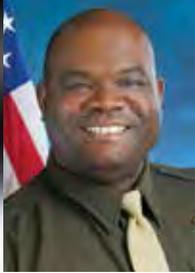
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Respect Is a Two-Way Street

CORRECTIONS OFFICER MYRON HAMM

Director of Corrections

I recently watched a video of two New York City police officers being attacked with buckets of water. I watched in disgust as someone hurled a bucket from a short distance and struck the officer in the back of the head. Watching this scene unfold, I felt a gamut of emotions. What was most unnerving was watching the people performing these acts with joy and an utter lack of respect for anyone. When you do this job, it is understood that we are not here for a popularity contest; we are not trying to win an award or get rich. The goal of anyone putting on a uniform should be to keep their community safe and serve as an example of doing the right thing. No one should go to work and feel like they are under constant attack. No one should have to go into a restaurant and then be told that, because they are wearing a uniform, they are not allowed to eat or are just flat-out refused service.

I watched those two New York City officers walk away with their heads down, feeling ashamed and embarrassed. Someone asked me why they did not arrest the people performing these acts. There was even some debate over whether the officers were afraid or apprehensive. I firmly believe that they were afraid — not of the suspects they were facing, but of the fallout from public opinion. Someone made a statement that it was just water and the cops should lighten up. Imagine

if you are at your job and someone dumps buckets of what you hope is water on you. I can understand how those officers felt: If they responded and the situation escalated to force, then their judgment would be subject to scrutiny. If you talk to most officers these days, their biggest fear is not being harmed, but losing their job because someone disagrees with the manner in which they choose to do the job.

When I was in the Academy 19 years ago, the one thing I remember hearing every day was, “You are an at-will employee and we don’t even need a reason to fire you.” That fear of all your hard work and sacrifice being taken away is a heavy burden to bear. I get the opportunity to deal with a lot of officers at the beginning of their careers, and if you ask them what their goal is after graduation, 90% of the time you will hear, “I just want to get through probation.” We are seeing trends where officers are hesitant when performing their duties, and that slight hesitation could cost someone dearly.

Personally, I think it has to begin with leadership. In order to effectively perform their jobs, officers need to feel that those in charge have their backs. I hear it a lot from supervisors who will claim that they only have their officers’ best interests at heart, but when it comes down to support, don’t be surprised when you watch them perform the old moonwalk away from you. The efforts of leadership should not be a kneejerk reaction to a situation — it should be about support and training. I wish I could count how many policies or procedures have been changed or altered simply



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because a suspect did something to cause an injury to themselves. What it boils down to is that an officer is hired to do a job and should be given an opportunity to perform their task without threat or fear. Our officers perform a thankless job and do so without the expectation that they will be placed on a pedestal. Respect is a two-way street, and I have seen many instances where our officers give respect and it is not returned. Officers know what they are facing and yet they choose to do this job not for glory, riches, fame or popularity, but because they want to make a difference. The late, great Jackie Robinson once said, "I'm not concerned with your liking or disliking me.... All I ask is that you respect me as a human being."

I came across this quote that sums up the traumatic events police officers deal with on a daily basis:

"I have pulled dead, mangled bodies from cars. I have lied to people as they were dying. I said, 'You are going to be fine,' as I held their hand and watched the life fade out. I have held dying babies. Bought lunch for people who were mentally ill and haven't eaten in a while. I have had people try to stab me. Fought with men trying to shoot me. I've been attacked by women while I was arresting their husband who had just severely beat them. I have held towels on bullet wounds. Done CPR when I knew it wouldn't help just to make family members feel better. I have torn down doors, fought in drug houses. Chased fugitives through the woods. I have been in high-speed car chases. Foot chases across an interstate during rush-hour traffic. I have been in crashes. Been squeezing the trigger about to kill a man when they came to their senses and stopped. Waded through large angry crowds by myself. Drove like a madman to help a fellow officer. Let little kids who don't have much sit in my patrol car and pretend they are a cop for their birthday.

"I have taken a lot of people to jail. Given many breaks. Prayed for people I don't even know. Yes, and at times I have been 'violent' when I had to be. I have been kind when I could. I admit I have driven to some dark place and cried by myself when I was overwhelmed. I have missed Christmas and other holidays more than I wanted to.

"Every cop I know has done all these things and more for lousy pay, exhausting hours and a short life expectancy. We don't want your pity, I don't even ask for your respect. Just let us do our jobs without killing us." **VB**

RETIREMENTS

7/2/2019	Gregory B. Thielen	P# 5930	CO II	21 years
7/8/2019	William J. Marx Jr.	P# 5649	PO II	21 years
7/9/2019	Christopher T. Matthews	P# 3665	PO II	30 years
7/17/2019	Eric Honea	P# 7059	PO II	18 years
7/24/2019	Thomas J. Reid	P# 5544	CO II	22 years
8/2/2019	Andrew J. Tedesco	P# 6009	PO II	21 years
8/23/2019	Bobby R. Porter	P# 6054	PO II	21 years
8/23/2019	Michael A. Carroll	P# 6439	PO II	20 years
8/24/2019	Jeffrey C. Gentry	P# 6172	PO II	20 years
8/29/2019	Mark J. Grandusky	P# 6292	PO II	24 years
8/31/2019	Michael C. Belmont	P# 8240	PO II	15 years

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Update on LEAF Charities

DETECTIVE BRIAN GRAMMAS

Treasurer

Last year, the PPA Executive Board worked with LEAF Director Sandford Mangold in setting up a fallen officer memorial scholarship. This scholarship was available to two active PPA members' children for use toward college. Applicants had to submit a written essay to the LEAF Charities board, and a consultant was selected to review the essays. The two students who were selected each received \$5,000 for the upcoming 2019–2020 school year. P# 6295 The winners of the LEAF Charities fallen officer memorial scholarship were Haley D'Angelo and Eliana Morgenstern.

We need you, the membership, to help. LEAF Charities is a 501(c)(3) charity. It is dependent on donations to survive. This is where you can help. Donating at least \$1 from each paycheck can do wonders! If every member donated just \$1 per check, that would add \$5,600 to LEAF a month. Please consider making a one-time or recurring payroll deduction to LEAF. You can use the LVMPD automatic-deduction form to complete your donation.

LEAF Charities offers financial relief to the surviving families of fallen Metropolitan police officers, deputy city marshals and municipal court marshals killed in the line of duty. Here are some of the benefits provided by LEAF Charities:

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

Also added this year were:

- High school graduation: Children graduating from high school may receive up to \$1,000.
- College graduation: Children graduating from college earning a four-year degree may receive up to \$2,000. **VB**

Now There Are **500**
 More Reasons Why It Pays to Read 
 This issue contains TWO ways to win your share of **\$500 CASH**

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

Members who find the hidden  in this issue of Vegas Beat and register through www.LVPPA.com will be entered into a drawing for \$250. You must enter by Tuesday, October 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!

Excludes P#s listed in the Retirement section 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.

Many thanks



To our friends at LVPPA:

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**It's our honor to serve you,
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Doing What's Right

OFFICER JOHN ABEL

Secretary

As I was looking through social media this week, reading about the untimely passing of retired Captain Larry Burns, one post stuck with me. A sergeant whom I have a lot of respect for stated that one of Larry's life mottos was, "Do what is right and let the consequence follow." This quote really stuck with me because of how simple but profound it is.

I routinely speak to officers who inform me of issues on their squad or in their workplace where they or others are being mistreated by supervisors or someone else in leadership. Many times, this mistreatment rises to the level where I can help them write a grievance or speak to supervision and possibly solve the issue. Most of the time, the officer is reluctant to accept my solution out of fear of retaliation or other unforeseen consequences that may follow.

As police officers, we are often required to have the courage to confront situations and deal with the consequences that may follow, and at times we do so putting our own lives on the line. It bothers me that officers are more worried about the non-deadly consequences that may follow from confronting an issue when they are being wronged by Department

leadership. I believe that Larry Burns' motto of doing what is right and letting the consequences follow is why he was so well-respected by the vast majority of LVMPD members. My wish is that more officers and civilian employees would follow Larry's motto, because if they did, the change within LVMPD we all seek would probably happen. Just because someone has a leadership position within our police department does not mean that they are always right. We have an avenue for checks and balances, but it takes courage for employees to attach their name to an internal affairs complaint or grievance form in order to enact those checks and balances.

As LVPPA union representatives, we cannot attach our name to your grievance, but what we can do is take your signed grievance and, with the full weight of the union, fight the fight to help you and also those whom your fight will positively benefit. All it takes is the courage to do what is right, stand firm with us and let the Department know that you have a voice and want your voice to be heard. I hope that Larry's motto inspires you the same way it inspired me, and I hope that if you ever find yourself afraid to confront workplace issues, you remember this motto and rely on your intestinal fortitude to do what is right and let the consequences follow. **VB**

THANK-YOU LETTER

Police Protective Association,

We are deeply grateful for your kindness and sympathy during our time of great loss! We so appreciate the thoughtfulness and beautiful flower arrangements. Thank you.

Sincerely,
The Larry Burns Family

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.
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DAVID ROGER
General Counsel

AB 60, which became effective July 1, is a 34-page bill dealing with domestic battery issues. LVMPD's revised policy has caused much confusion, so this article is intended to help clarify the pertinent issues.

NRS 33.018: Acts Which Constitute Domestic Violence

This statute is under Chapter 33, which provides the framework for courts to issue injunctions and protection orders. It is important to understand that this definition *does not* create new domestic violence crimes. For law enforcement purposes, this statute provides the framework for when a report concerning domestic violence must be filed. Additionally, the statute defines the types of domestic relationships that constitute battery domestic violence pursuant to NRS 171.137.

NRS 171.137(1): Domestic Violence Arrests — Domestic Relationships

This statute states that a suspect shall be arrested for battery domestic violence, unless mitigating circumstances exist, if the victim is one of the following:

- Spouse
- Former spouse
- Person who is related by blood or marriage
- Person who is presently or has in the past been in a dating relationship (“Frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.”)
- Person with whom he or she has a child in common
- The minor child of those persons or his or her minor child
- Person who is the custodian or guardian of his or her minor child (*new section*)

The amended statute adds “custodian or guardian of his or her minor child” as domestic battery victims.

Additionally, the statute was amended to make clear that fights between siblings or cousins are not domestic battery. However, if the siblings or cousins are in a custodian or guardian relationship with each other, the battery is considered domestic battery.

The legislation eliminated, for purposes of domestic battery, “a person with whom he or she is actually residing.” Thus, a battery of a roommate, for example, is no longer a domestic battery.

Untangling the Domestic Violence Laws

NRS 171: New Section for Battery on Persons Not Considered Domestic Relationships

This new statute allows officers to make a warrantless arrest if the person has, within the preceding 24 hours, committed a battery on:

- A person with whom the suspect is actually residing
- A sibling (if the person is not the custodian or guardian of the sibling)
- A cousin (if the person is not the custodian or guardian of the cousin)

Thus, even if the victims are not considered to be in a domestic relationship, and thus a battery of these victims does not constitute a domestic battery, an officer may still arrest the suspect for simple battery.

The rationale is that such altercations, although not considered domestic violence, are still volatile matters that may require separating the parties for a cooling-off period; i.e., a trip to jail.

NRS 171.1227: Mandatory Domestic Violence Reports

This statute requires officers to complete a domestic violence report, regardless of whether the officer makes an arrest for domestic battery, if the parties are in a domestic relationship as defined by statute and there is evidence of one of the following acts set forth in NRS 33.018:

- Battery
- Assault
- Coercion pursuant to NRS 207.190 (*new*)
- Sexual assault
- A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to:
 - Stalking
 - Arson
 - Trespassing
 - Larceny
 - Destruction of private property
 - Carrying a concealed weapon without a permit
 - Injuring or killing an animal
- Burglary (*new*)
- Home invasion (*new*)
- False imprisonment
- Pandering (*new*)

The amendment eliminated as a matter that requires reporting “Unlawful entry of the other person’s residence, or forcible entry against the other person’s will if there is a reasonably foreseeable risk of harm to the other person from the entry.”

I hope this article provides clarity concerning domestic violence issues. **VB**

ASSOCIATION EVENTS UPDATE

ADELLA SOLANO

Events Coordinator

With all the PPA events that we have been hosting, we are starting to get an overwhelming response to our emails that I send out for each event. We have now decided to do a drawing of P#s for each event to make it fair for all officers. The feedback we were getting was that COs or graveyard officers were not getting the emails until it was too late to get tickets. Now we will open up the drawing for 24 hours to allow all shifts to enter. We hope that this will allow all our members to have a fair opportunity to get tickets.

It seems that for every event there have been some who have attempted to circumvent this process by calling one of the Executive Board members to get tickets. Calling an E-Board member will not put

you ahead of all the members who followed the process. If you need an extra ticket, please email or call me and I can see what I can do.

My work cellphone number is on every email you get from me, so there is no reason why you cannot text or call me if you have to cancel your tickets. I always have at least 100 members on my waitlist for tickets, so not notifying me if you are unable to attend is very inconsiderate to your fellow officers and the PPA, which has purchased those tickets for members.

If you ever have any questions or comments, please feel free to contact me at (702) 423-0696.

Mark Your Calendars

- Oktoberfest:** September 21, starting at 5 p.m.
- UNLV game:** October 5
- VGK game:** October 12
- Trunk or Treat:** October 25 **VB**



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THE Strength OF Graham

THE LEGAL AND MORAL STANDARD FOR LAW ENFORCEMENT USE OF FORCE



OFFICER CHAD LYMAN
LVPPA Director

There has been a recent assault on the landmark Supreme Court use-of-force caselaw *Graham v. Connor* (U.S. Supreme Court, 1989). If you are a police officer, challenges to use of force are nothing new. What is unique is that some challenges can come from within — from your department or police executives. An example of this is the Police Executive Research Forum (PERF), a nonprofit organization of police administrators that was formed to research and develop policy.

In March 2016, under its “Critical Issues in Policing” series, PERF published a paper titled “Guiding Principles on Use of Force.” In it and elsewhere, PERF Executive Director Chuck Wexler stated that many police shootings are “lawful but awful” (J.B. Wogan, “How Police Chiefs Plan to Avoid ‘Lawful But Awful’ Shootings,” *Governing*, 2016). Wexler further stated that *Graham* is the “floor” and not the “ceiling” and that law enforcement needs to do better. Wexler said, “We aspire to have a higher standard of preventing these unfortunate situations from happening at all. That’s what this is all about. This is the difference between legal versus moral” (Mark Berman, *Washington Post*, 2016).

Graham v. Connor is not the “floor”; it is the law and framework for all uses of force as police carry out their duties day to day. *Graham* established that officers are often placed in tense, uncertain and rapidly evolving circumstances that require quick decisions without the benefit of hindsight. *Graham* further established that officers’ actions *must* be judged by what another officer with similar training and similar experience would do in a similar circumstance, setting a “reasonable” standard for officer performance. Officers are legally judged according to this standard, not public opinion of their actions on a call. P# 15887 Wexler and PERF want a more stringent standard than the “objectively reasonable” standard established in *Graham*. One of PERF’s suggestions to reduce controversial uses of force is for the officer to consider what onlookers may think of the use of force.

At the LVPPA, we are committed to the idea that we should forever be seeking to master our craft and evolve. We also understand that the path to excellence is found in mastering the fundamentals, and that we should strive to do the common uncommonly well. All police uses of force should be reviewed and debriefed,

especially officer-involved shootings. Weaknesses and training deficiencies should be identified and addressed. With those things in mind, I have several issues with the PERF use-of-force recommendations.

Wexler states that he wants to prevent “lawful but awful” police shootings. From nearly two decades of active law enforcement experience, I can attest that for the officers involved in OIS incidents on the job, they are *all* awful. I have never worked with an officer who wanted to shoot someone as their daily goal. To make a tagline implying that any of these events are not awful is disconcerting. Our primary concern is that the shooting is lawful. We then look critically at the incidents to see if training could affect their outcome. A close review of these cases shows that the single biggest factor that causes them to escalate is that the suspects fail to comply with lawful orders. Rather than compliance, often the suspects choose to physically

The reason why we use lethal force only under certain circumstances is that the suspect’s life is valued. The reason we will use lethal force on suspects is that everyone else’s lives are valued as well.

resist arrest. I would like to prevent these situations from occurring, but without suspect compliance they will continue to happen.

The suggestion that the officer should take any time to consider someone who has no training, no experience, no knowledge of case law and policy, and is not formally on the call as a police officer is fatally flawed as a policy. How could I possibly know what someone else may *think* is appropriate? What reference would they have to make any conclusions about my actions? Their relation to the suspect? The media? Am I considering what they may think (once again, how would I possibly *know* what they think?) to be mindful of their opinion, or do they know better than an experienced and trained police officer? What if the crowd is split and has a differing opinion on what I should do? I find it arrogant for chiefs to propose policy on such an important tactic as use of force that an officer should consider

how someone with *no* use-of-force training or experience would handle the situation. If that were the policy, we could easily accomplish that goal by giving brand-new officers *no* use-of-force training in the Academy. Then, on calls, they could just do whatever an untrained individual would do. Of course this is nonsense and not ethical. So is requiring officers on calls to consider what non-police personnel would do regarding use of force on that call.



Wexler also stated he wants to establish “the difference between legal versus moral.” “Moral” according to whom? Some people feel it is immoral to take another life under any circumstance. I place a very high value on life. That value is illustrated when police officers intervene with lethal force against a person whose actions can reasonably be expected to cause death or serious bodily injury to officers or anyone else. I believe it would be immoral *not* to respond to a lethal threat that threatens other lives. All life is sacred. The reason why we use lethal force only under certain circumstances is that the suspect’s life is valued. The reason we will use lethal force

on suspects is that everyone else’s lives are valued as well. That is currently the legal and moral standard in *Graham*, and it is appropriate.

Many of the situations officers encounter throughout their careers will be “awful.” If I were not an officer, I would not encounter these situations over and over throughout my adult life. Having a “reasonable” standard governing what actions I should take as an officer when I use force helps to ensure that my actions are appropriate, within the law and in response to the *suspects’* actions, not my own feelings or the feelings of onlookers. That reasonable standard places value on the suspect’s life and on the lives of all who may be affected by the suspect’s actions. This standard and valuing of all life allows me to make hard decisions at work, and then live with them after those situations are over. To infuse emotion and opinion into such a critical decision will result in hesitation, inaction, undue risk and the loss of police and civilian lives. It would be “awful” and “immoral” to create more risk and confusion around the topic of deadly force. **VB**

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LAS VEGAS KNIGHTS



POLICE HOCKEY

DETECTIVE JUSTIN ROTH
LVPPA Member

One of the longest-running ice hockey teams in Las Vegas does not play at T-Mobile Arena. Since 1994, LVMPD's police hockey team, the Vegas Police Knights, has been consistently practicing and playing in club games in various Las Vegas ice rinks across the valley. The police hockey club is responsible for operating national (sometimes international) tournaments each year, raising money through charity games, operating a hockey program for at-risk youth and traveling across the country to represent our city and our nation in international first responders games.

The police hockey club P# 17247 currently has three regular teams, with an additional team possibly forming due to the number of officers beginning to consistently play hockey after becoming Vegas Golden Knights fans. Every Sunday, 20 or more of us play 90 minutes of scrimmage games, rotating goalies every time a team gets to five goals.

Last month, we hosted the Thin Blue Line Tournament and Charity Game. Twelve teams competed in a round-robin-style tournament to benefit the Injured Police Officers Fund (IPOF). In the middle of this tournament, we hosted two charity games, which packed the stands of City National Arena. Dropping the ceremonial puck for the charity games was Officer Abigail Arias. Abigail is a 7-year-old girl who was diagnosed with a



terminal cancer. Abigail's only wish was to become a police officer, so her local department, the Freeport Police Department in Texas, decided to make that happen. Abigail was honorably sworn in as a police officer and given a full uniform and (safe for kids) duty belt. Her story made national news. One of our members saw that she was going to be in Las Vegas during the weekend of the tournament and asked if she would like to drop the puck, which she accepted. Abigail wore her uniform, but we made her a personalized Vegas Police Knights jersey to wear so she would have something from LVMPD to bring back with her. In all, the Vegas Police Knights and the Thin Blue Line Tournament raised \$12,000, which all went to the IPOF.

Also in June, seven officers and two civilians — Lieutenant Phil Merges, Sergeant Abudhabi Lewis, Sergeant Ryan Evans, Detective Justin Roth, Correction Officer Kevin Wzrsenski, Officer Joe Weghorst, Officer Mike Lyons, Jacob Wzrsenski (son of Kevin Wzrsenski) and Oscar Lewis (brother of Dhabi Lewis) — traveled to Belfast, Northern Ireland, to play in two charity games against the Northern Ireland Tridents. The



Tridents are made up of first responders in Ireland and Northern Ireland. The charity we played for was the youth hockey program in Ireland. There is only one sheet of ice to play on between Ireland and Northern Ireland, causing some of the kids to have to travel over five hours by train to the rink and five hours back — and trust us on this, traveling on the train with stinking hockey gear is no treat.

Most of us added a few days to the trip by going out to Ireland a little earlier and exploring the country and culture. It's a beautiful country and has some amazing cities.

For some of us, it was our first time playing on European (Olympic) size ice, which is much larger than the NHL. It took a little getting used to; however, our team was able to pull out the victory in both games — 6–5 in the first game (Saturday) and 8–7 in the second game (Sunday). In the second game, the Vegas Police Knights were down 6–2 going into the third period and were able to rally back and score the go-ahead goal with less than two minutes to play. After the game on Saturday, we got to skate with the youth hockey program and teach them some of our American-style drills. Some officers gave out their gear and sticks to less fortunate kids on the ice. It was a great experience for those who had not played in Ireland in 2017, and it is something we all look forward to doing again in the future.

One of our programs that we are very proud of is the Heroes United Hockey program. Over the last year, it has impacted our community as well as the international community. A handful of the officers in the hockey club started the program in October 2018. Heroes United partnered up with Liberty Baptist Church to identify at-risk youths in low-income areas of the Vegas valley who would benefit from interacting in a positive manner with police. Liberty Baptist Church identified approximately 30 kids, ranging from 8 to 17 years old, to meet every Saturday and be coached by the Vegas Police Knights to play hockey. The program started with dryland work with leftover and old gear provided by our officers. However, we were able to get in touch with the NHL Players' Association, which saw the great and positive work we were doing with the community and donated \$25,000 worth of equipment to outfit our kids in head-to-toe ice hockey gear. We organized an event at City National Arena to

Continued on page 22





LAS VEGAS KNIGHTS POLICE HOCKEY

Continued from page 21

give the kids the gear, which was presented by then-alternate captain Pierre-Edouard Bellemare and William Carrier of the Vegas Golden Knights. Both professional players showed all the kids how to gear up and then hit the ice with the kids and coaches. Since then, we have rented the ice at City National Area and Sobe Ice Arena numerous times. Our coaching season ended in May; however, we were able to get each child in the program a Vegas Golden Knights jersey. We plan on continuing the program in October with most of the same kids, and some new ones added, too.



In January, I nominated Heroes United — specifically, Lieutenant Merges — for the NHL's Willie O'Ree Community Hero Award, which is given to a person or group that is improving their community through hockey. Thousands of entries were received, and of those entries, Heroes United was selected as a semifinalist, along with five other applicants. Heroes United did not make it to the finals, but a similar program out of Flint, Michigan, run by a firefighter, won the award and accepted it live on the NHL Awards. We plan on submitting our program again this year!

Up next for our program is the Nevada Police and Fire Games. The games include a "pond hockey"-style, three-versus-three tournament, a charity game and our first all-star skills challenge.

Lastly, we'll have three teams in the 9-1-1 Cup, run by Detective Josh Garber. Detective Garber does an amazing job of putting together a massive tournament at City National Area, which will consist of 28 teams!

We look forward to seeing all of you out at our various events! P# 7766 Follow us on Instagram @lvpoliceknights and Twitter @lvpoliceknights. **VB**

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