

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

VOLUME 15 | ISSUE 1 May/June 2020

# A Memorial in \*\*\* Our Hearts

**Remembering the Fallen Heroes of 2019** 

SEE PAGE 4





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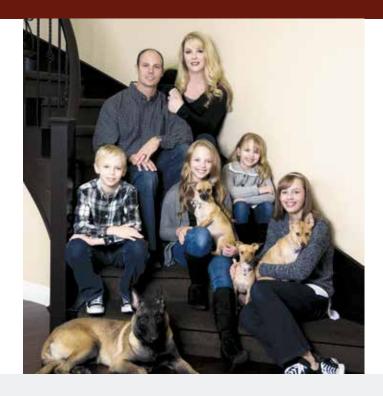
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Representing Las Vegas Metro Police Department Officers and Deputy City and Municipal Court Marshals

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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.

 $\mbox{\it "BIG 50"}$  – An informal association of the 50 largest law enforcement associations in the United States.

UCOPS - The United Coalition of Public Safety





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## President's Message

#### DETECTIVE STEVE GRAMMAS, PRESIDENT

#### **Our 2019 Fallen Officer Memorial**

The month of May is dedicated to paying our respects to our fallen law enforcement officers. This year, ceremonies around the country have had to be canceled in an effort to prevent the spread of coronavirus, including all of the National Police Week events in Washington, D.C. But although we cannot gather together with our brothers and sisters right now, we remain united in spirit as we remember the far too many brave and dedicated officers we have lost.

On May 13, there will be a virtual candlelight vigil held online that can be watched from anywhere in the world, during which the names being added to the National Law Enforcement Officers Memorial will be read. Once this crisis has passed and the future becomes more certain, I hope we'll be able to make up for the events we missed and properly memorialize all those who made the ultimate sacrifice last year. But for now, please review the following list of 146 officers who gave their lives in the line of duty in 2019, honor their names, and keep their families in your thoughts and prayers. These heroes will be forever missed and never forgotten. RIP to all. VB



#### 2019 Line-of-Duty Deaths\*

**Master Police Officer Joseph William Shinners** 

Provo P.D., UT EOW: Saturday, January 5,

2019 Cause: Gunfire

**Police Officer Dale James Woods** 

Colerain Township P.D., OH EOW: Monday, January 7, 2019

Cause: Struck by vehicle

**Police Officer Clayton Joel Townsend** 

Salt River P.D., TR EOW: Tuesday, January 8,

2019

Cause: Struck by vehicle

**Police Officer** Chatéri Alyse Payne

Shreveport P.D., LA EOW: Wednesday, January

9, 2019 Cause: Gunfire

**Police Officer Natalie Becky Corona** 

Davis P.D., CA EOW: Thursday, January 10,

Cause: Gunfire

#### Trooper

**Christopher James Lambert** 

IL State Police

EOW: Saturday, January 12,

Cause: Vehicular assault

Sergeant **WyTasha Lamar Carter** 

Birmingham P.D., AL EOW: Sunday, January 13,

2019

Cause: Gunfire

Supervisory Deputy U.S. Marshal Norman D. Merkel

U.S. Marshals Service

EOW: Wednesday, January

16.2019

Cause: Heart attack

**Deputy Sheriff Ray Elwin Horn III** 

Comal County S.O., TX EOW: Thursday, January 17,

Cause: Heart attack

**Police Officer Kenneth Xavier Domenech** 

New York City P.D., NY EOW: Saturday, January 19,

Cause: 9/11-related illness

**Police Officer Sean Paul Tuder** 

Mobile P.D., AL EOW: Sunday, January 20, 2019

Cause: Gunfire

Lieutenant Robert Earl "Bo" McCallister

Susquehanna Township P.D.,

EOW: Sunday, January 20,

2019 Cause: Gunfire

**Detective Joseph M. Roman** 

New York City P.D., NY EOW: Monday, January 28,

2019

Cause: 9/11-related illness

**Deputy Sheriff** 

Joshua Bryan "LJ" Ryer Jr.

Glascock County S.O., GA EOW: Tuesday, January 29,

Cause: Automobile crash

**Community Supervision** Officer Russell Dean Salazar

**Kendall County Community** Supervision and Corrections

Dept., TX EOW: Thursday, January 31,

Cause: Automobile crash

#### Corporal **Shane Michael Totty**

Baton Rouge P.D., LA EOW: Friday, February 1, 2019

Cause: Motorcycle crash

**Detective** 

William Lee Brewer Jr.

Clermont County S.O., OH EOW: Saturday, February 2,

2019

Cause: Gunfire

**Border Patrol Agent Donna Marie Doss** 

U.S. Border Patrol

EOW: Saturday, February 2,

2019

Cause: Struck by vehicle

**Trooper Lucas Bartley Dowell VA State Police** 

EOW: Monday, February 4, 2019

Cause: Gunfire

**Police Officer Matthew John Rittner** 

Milwaukee P.D., WI EOW: Wednesday, February

6.2019 Cause: Gunfire

**Detective Brian P. Simonsen** 

New York City P.D., NY EOW: Tuesday, February 12,

Cause: Gunfire (inadvertent)

#### **Chief of Police David Paul Hewitt**

Rising Sun P.D., IN EOW: Wednesday, February

13, 2019

Cause: Automobile crash

**Agent Alfred Sanyet-Pérez** 

Puerto Rico P.D., PR

EOW: Friday, February 15, 2019

Cause: Gunfire

Sergeant

**Steven Gaspare Greco** 

Miccosukee Tribal P.D., TR EOW: Saturday, February 16,

Cause: Vehicular assault

Lieutenant **Daniel Duane Hinton** 

FL Highway Patrol EOW: Tuesday, February 19,

2019 Cause: Heart attack

Undersheriff **Monty Thomas Johnson** 

Pawnee County S.O., OK EOW: Thursday, February 21,

2019 Cause: Automobile crash

**Sergeant Brian Keith Crain** 

Jenks P.D., OK

EOW: Saturday, February 23,

2019

Cause: Heart attack

2019

<sup>\*</sup>Source: Officer Down Memorial Page, odmp.org

Police Officer **Nicholas Scott Galinger** 

Chattanooga P.D., TN EOW: Sunday, February 24,

2019

Cause: Vehicular assault

Sergeant Steven Billie Hinkle

Sullivan County S.O., TN EOW: Tuesday, February 26, 2019

Cause: Gunfire

**Police Officer** Nathan Hayden Heidelberg

Midland P.D., TX

EOW: Tuesday, March 5, 2019

**Cause:** Gunfire

**Deputy Sheriff Jacob Howard Keltner** 

McHenry County S.O., IL EOW: Thursday, March 7, 2019

Cause: Gunfire **Police Officer Gregory V. Melita** 

New York City P.D., NY EOW: Saturday, March 9, 2019 Cause: 9/11-related illness

**Corporal Daniel H. Groves** 

CO State Patrol

EOW: Wednesday, March 13, 2019

Cause: Struck by vehicle

**Detective Philip T. Perry** New York City P.D., NY

EOW: Thursday, March 14, 2019

Cause: 9/11-related illness

**Deputy Sheriff Ryan Shane Thompson** 

Kittitas County S.O., WA EOW: Tuesday, March 19, 2019 Cause: Gunfire

Police Officer **Paul Thomas Rutherford** 

Phoenix P.D., A7 EOW: Thursday, March 21, 2019

Cause: Struck by vehicle

**Police Officer Michael Edmund Teel** 

Port Authority of NY and NJ P.D.

EOW: Thursday, March 21, 2019

Cause: 9/11-related illness

**Deputy Sheriff Peter John Herrera** 

El Paso County S.O., TX EOW: Sunday, March 24, 2019

Cause: Gunfire

Trooper **Brooke Elizabeth Jones-Story** 

IL State Police EOW: Thursday, March 28, 2019

Cause: Struck by vehicle

**Trooper Gerald Wayne Ellis** 

IL State Police EOW: Saturday, March 30,

Cause: Automobile crash

**Detective** 

2019

**Benjamin James Campbell** 

ME State Police EOW: Wednesday, April 3, 2019

Cause: Accidental

**Deputy Sheriff II Spencer Allen Englett** 

Forsyth County S.O., GA EOW: Thursday, April 4, 2019 Cause: Duty-related illness

Sergeant

Steven Lawrence Licon

CA Highway Patrol EOW: Saturday, April 6, 2019 Cause: Struck by vehicle

**Staff Sergeant** Bryan U. McCoy

NJ State Police EOW: Saturday, April 6, 2019 Cause: 9/11-related illness

**Detective Charles James** Humphry

New York City P.D., NY EOW: Wednesday, April 10, 2019

Cause: 9/11-related illness

**Deputy Sheriff Justin Richard DeRosier** 

Cowlitz County S.O., WA EOW: Sunday, April 14, 2019

**Police Officer Kyle David Olinger** 

Cause: Gunfire

Montgomery County P.D., MD EOW: Thursday, April 18, 2019

Cause: Gunfire

**Conservation Officer** Eugene Herman Wynn Jr.

MN Dept. of Natural Resources - Enforcement Division

EOW: Friday, April 19, 2019 Cause: Drowned

Lieutenant Phillip E. Panzarella

New York City P.D., NY EOW: Thursday, April 25, 2019 Cause: 9/11-related illness

**Special Agent in Charge** Liquat Ali "Leo" Khan

U.S. Army Criminal **Investigation Division** EOW: Tuesday, April 30, 2019 Cause: Heart attack

**Police Officer Patrick Thomas McGovern** 

New York City P.D., NY EOW: Thursday, May 2, 2019 Cause: 9/11-related illness

**K9 Officer** 

**Jordan Harris Sheldon** 

Mooresville P.D., NC EOW: Saturday, May 4, 2019

Cause: Gunfire

**Police Officer Robert Stanton McKeithen** 

Biloxi P.D., MS

**EOW:** Sunday, May 5, 2019

Cause: Gunfire

**Police Officer Anthony Neri** 

Sanibel P.D., FL

**EOW**: Monday, May 6, 2019 Cause: Heart attack

**Trooper Matthew Elias Gatti** 

TN Highway Patrol

**EOW:** Monday, May 6, 2019 Cause: Automobile crash

Constable

Willie Houston "Hoot" West

Lowndes County Constable's Office, MS

EOW: Thursday, May 9, 2019 Cause: Automobile crash

Sergeant

**Kelvin Bernard Ansari** 

Savannah P.D., GA EOW: Saturday, May 11, 2019

Cause: Gunfire

**Police Officer** William Ray Buechner Jr.

Auburn P.D., AL EOW: Sunday, May 19, 2019

Cause: Gunfire Police Officer Jesus Abner

Marrero-Martínez Manatí Municipal P.D., PR EOW: Saturday, May 25, 2019

Cause: Gunfire

**Police Officer** Keith A. Ferrara

New York City P.D., NY EOW: Wednesday, May 29,

2019

Cause: 9/11-related illness

Lieutenant Joseph P. Johnson Seminole P.D., TR

EOW: Thursday, May 30, 2019 Cause: Automobile crash

Lieutenant **Steven Dewayne Whitstine** 

East Baton Rouge Parish S.O.,

EOW: Thursday, May 30, 2019 Cause: Automobile crash

Police Officer James B. Boyle

New York City P.D., NY **EOW:** Friday, May 31, 2019 Cause: 9/11-related illness

**Chief of Police Wayne Mark Neidenberg** 

Lakeshire P.D., MO

EOW: Thursday, June 6, 2019 Cause: Heart attack

**Police Officer William James Leahy** 

Port Authority of NY and NJ P.D.

EOW: Thursday, June 6, 2019 Cause: 9/11-related illness

**Police Officer** Albert Ramirez Castaneda Jr.

Grand Prairie P.D., TX EOW: Friday, June 7, 2019 Cause: Struck by vehicle

**Police Officer Esmeralda Ponce Ramirez** 

Los Angeles P.D., CA EOW: Sunday, June 9, 2019 Cause: Automobile crash

Sergeant **David Jones Fitzpatrick** 

Cause: Heart attack

The Colony P.D., TX **EOW:** Monday, June 10, 2019

**Deputy Sheriff** Julius Jamal "Jay" Dailey

Monroe County S.O., AL EOW: Tuesday, June 11, 2019 Cause: Automobile crash

**Police Officer Steven James Brown** 

Port St. Lucie P.D., FL EOW: Wednesday, June 12,

2019

Cause: Heart attack

**Master Trooper** William James Modén

CO State Patrol EOW: Friday, June 14, 2019

Cause: Struck by vehicle **Patrol Officer John David Hetland** 

Racine P.D., WI **EOW:** Monday, June 17, 2019

Cause: Gunfire

**Police Officer** Tara Christina O'Sullivan

Sacramento P.D., CA EOW: Wednesday, June 19,

2019 Cause: Gunfire

**Trooper Jerry Louis Smith Jr.** 

NE State Patrol

EOW: Thursday, June 20, 2019 Cause: Automobile crash

Corporal Jose Luis "Speedy"

Espericueta Jr. Mission P.D., TX

Cause: Gunfire

EOW: Thursday, June 20, 2019

**Police Officer Michael Vincent Langsdorf** 

North County Police Cooperative, MO **EOW:** Sunday, June 23, 2019

Cause: Gunfire

**Deputy Sheriff** Troy Phillip Chisum

Fulton County S.O., IL EOW: Tuesday, June 25, 2019

Cause: Gunfire

**Detective Andrea Renee Jacqueline Rainer** 

New York City P.D., NY EOW: Tuesday, June 25, 2019 Cause: 9/11-related illness

**Detective** 

Luis Gustavo Alvarez

New York City P.D., NY EOW: Saturday, June 29, 2019 Cause: 9/11-related illness

**Deputy Sheriff Carlos Aaron Ramirez** 

Kendall County S.O., TX EOW: Tuesday, July 2, 2019

Cause: Struck by vehicle **Deputy Jailer** 

Michaela Elizabeth Smith Murray County S.O., GA EOW: Wednesday, July 3, 2019

**Police Officer** 

John Ralph Anderson IV

Cause: Training accident

Metro Nashville P.D., TN EOW: Thursday, July 4, 2019 Cause: Vehicular assault

**Conservation Officer** Shannon Lee "Opie" Barron

Red Lake Nation Conservation

Dept., TR EOW: Sunday, July 7, 2019

Cause: Heart attack **Deputy Sheriff** 

**Nicolas Blane Dixon** Hall County S.O., GA

EOW: Monday, July 8, 2019 Cause: Gunfire

Sergeant Michael David Stephen Sr.

Stone County S.O., AR EOW: Thursday, July 18, 2019

Cause: Gunfire

**Detective Christopher Cranston** 

New York City P.D., NY EOW: Saturday, July 20, 2019 Cause: 9/11-related illness

**Deputy Sheriff Benjamin Ryan Nimtz** 

Broward County S.O., FL **EOW**: Sunday, July 21, 2019 Cause: Automobile crash

**Detective Thomas Santoro** 

New York City P.D., NY EOW: Sunday, July 21, 2019 Cause: 9/11-related illness

Los Angeles P.D., CA EOW: Saturday, July 27, 2019

(continued on page 6)

Cause: Gunfire

Detective **James Joseph Biello** 

Atlanta P.D., GA

EOW: Sunday, July 28, 2019

Cause: Gunfire

**Correctional Officer Pedro** Joel Rodríguez-Mateo

PR Dept. of Corrections and Rehabilitation EOW: Thursday, August 1,

2019

Cause: Assault **Police Officer Raymond Harris** 

New York City P.D., NY EOW: Sunday, August 4, 2019 Cause: 9/11-related illness

**Detective April Eleanor Bird** Asbury Park P.D., NJ

EOW: Monday, August 5,

Cause: Heart attack

**Correctional Administrator** Debra Kay Porter-Johnson

TN Dept. of Correction EOW: Wednesday, August 7, 2019

Cause: Assault

Sergeant Jeffrey M. Cicora

NY State Police

EOW: Saturday, August 10,

2019

Cause: 9/11-related illness

Andre Maurice Moye Jr.

**CA Highway Patrol** EOW: Monday, August 12, 2019

Cause: Gunfire

**Deputy Sheriff Stephanie Jean Schreurs** 

Lyon County S.O., IA EOW: Tuesday, August 13, 2019

Cause: Automobile crash

**Deputy Sheriff** Carlos J. Cammon

Orange County S.D., CA EOW: Friday, August 23, 2019 Cause: Duty-related illness

Trooper

**Nicholas John Hopkins** 

IL State Police

EOW: Friday, August 23, 2019

Cause: Gunfire

**Deputy Sheriff Jose Luis Blancarte** 

Kinney County S.O., TX EOW: Friday, August 23, 2019 Cause: Heart attack

**Trooper Moises Sanchez** 

TX Highway Patrol EOW: Saturday, August 24, 2019

Cause: Gunfire

**Deputy Sheriff Jeremy Allen Voyles** 

Chickasaw County S.D., MS EOW: Wednesday, August 28, 2019

Cause: Automobile crash

Undersheriff Stephen B. McLoud

Cayuga County S.O., NY EOW: Thursday, August 29,

Cause: 9/11-related illness

**Detective Joseph Paolillo** 

New York City P.D., NY EOW: Monday, September 9, 2019

Cause: 9/11-related illness

**Investigator Dornell Cousette** 

Tuscaloosa P.D., AL

EOW: Monday, September 16, 2019

Cause: Gunfire

**Police Officer Derrick Bishop** 

New York City P.D., NY EOW: Thursday, September 19, 2019

Cause: 9/11-related illness

Captain Vincent Nat Liberto Jr.

Mandeville P.D., LA EOW: Friday, September 20, 2019

Cause: Gunfire

**Deputy Sheriff Christopher Michael Hulsey** 

Meade County S.O., KY EOW: Saturday, September 21, 2019

Cause: Heart attack

**Sergeant Tracy Leslie Vickers** 

FL Highway Patrol EOW: Friday, September 27,

2019

Cause: Automobile crash

**Deputy Sheriff** Sandeep Singh Dhaliwal

Harris County S.O., TX EOW: Friday, September 27, 2019

Cause: Gunfire

**Detective** 

**Brian Charles Mulkeen** 

New York City P.D., NY EOW: Sunday, September 29, 2019

Cause: Gunfire (Inadvertent

**Border Patrol Agent Robert Mark Hotten** 

U.S. Border Patrol EOW: Sunday, October 6, 2019 Cause: Heart attack

**Trooper Peter Richard Stephan** IN State Police

EOW: Friday, October 11, 2019 Cause: Automobile crash

**Deputy Sheriff Matthew Ryan Jones** 

Falls County S.O., TX EOW: Friday, October 11, 2019

Cause: Struck by vehicle

Captain **Albert E. Torres** 

Los Angeles Dept. of Recreation and Parks, CA EOW: Saturday, October 12,

2019

Cause: Heart attack

**Deputy Sheriff Jacob Otto Allmendinger** 

Gallatin County S.O., MT EOW: Saturday, October 19,

Cause: Struck by vehicle

**Deputy Sheriff Brian David Ishmael** 

El Dorado County S.O., CA EOW: Wednesday, October 23,

2019 Cause: Gunfire

**Detention Officer Gene Wade Lee** 

Maricopa County S.O., AZ EOW: Wednesday, October 30,

2019 Cause: Assault

Sergeant Joseph Brian Montijo

Chattanooga P.D., TN EOW: Friday, November 1, 2019

Cause: Heart attack

**Police Officer Elmer Jonathan Diaz** 

Lemoore P.D., CA EOW: Saturday, November 2, 2019

Cause: Gunfire

**Interim Police Chief** Michael Franklin Knapp

Lynden P.D., WA EOW: Wednesday, November

6, 2019

Cause: Struck by vehicle

**Detective Jorge Rene DelRio** 

Dayton P.D., OH

EOW: Thursday, November 7, 2019

Cause: Gunfire

**Deputy Sheriff Makeem Rictrell Brooks** 

Northampton County S.O., NC EOW: Thursday, November 14, 2019

Cause: Automobile crash

**Deputy Sheriff Stephen Michael Reece** 

Cheatham County S.O., TN EOW: Friday, November 15, 2019

Cause: Automobile crash

**Investigator Cecil Dwayne Ridley** 

Richmond County Sheriff's

Office, GA

EOW: Tuesday, November 19,

2019

Cause: Gunfire

Sergeant

Rasheen Phillipe McClain

Detroit P.D., MI

EOW: Wednesday, November

20, 2019 Cause: Gunfire

Sheriff John Arthur "Big John" Williams Sr.

Lowndes County S.O., AL EOW: Saturday, November 23,

2019 Cause: Gunfire

**Detective** Maureen M. O'Flaherty

New York City P.D., NY EOW: Thursday, November 28,

Cause: 9/11-related illness

Master-at-Arms **Oscar J. Temores** 

U.S. Navy Security Forces EOW: Saturday, November 30, 2019

Cause: Vehicular assault

Sergeant Joshua Eli Voth CO Dept. of Corrections

EOW: Wednesday, December 4, 2019

Cause: Explosion

Agent Billy Fred Clardy III

Huntsville P.D., AL EOW: Friday, December 6,

2019 Cause: Gunfire

**Deputy Chief** Vincent A. DeMarino

New York City P.D., NY EOW: Friday, December 6,

2019 Cause: 9/11-related illness

**Police Officer Stephen Paul Carr** 

Favetteville P.D., AR EOW: Saturday, December 7,

2019 Cause: Gunfire

Sergeant **Christopher Charles Lewis Brewster** 

Houston P.D., TX

2019 Cause: Gunfire

**Detective Joseph Alan Seals** 

EOW: Saturday, December 7,

Jersey City P.D., NJ

EOW: Tuesday, December 10,

2019

Cause: Gunfire

Sergeant Kaila Marie Sullivan

Nassau Bay P.D., TX

EOW: Tuesday, December 10,

2019

Cause: Vehicular assault

Constable

Eula Ray "Raye" Hawkins

Panola County Constable's Office, MS

EOW: Thursday, December 12, 2019

Cause: Vehicle pursuit

**Chief Deputy Bobby Wayne Jacobs** 

Knott County S.O., KY EOW: Monday, December 16,

2019

Cause: Heart attack **Private First Class** 

**Michael Shawn Latu** Marion County S.O., SC EOW: Tuesday, December 17,

2019 Cause: Automobile crash

**Sergeant Scott Johnston** 

New York City P.D., NY EOW: Thursday, December 19,

2019 Cause: 9/11-related illness

**Police Officer** Jose Humberto Meza

Burnet P.D., TX EOW: Friday, December 20,

2019 Cause: Heart attack

**Detective Clifton** 

**John Martinez** San Antonio Independent School District P.D., TX EOW: Saturday, December 21,

2019

Cause: Vehicular assault **Deputy Sheriff Bryan Charles Pfluger** 

San Jacinto County S.O., TX EOW: Saturday, December 21,

2019 Cause: Automobile crash

**Deputy Sheriff Cooper Andrew Dyson** 

Pierce County S.D., WA EOW: Saturday, December 21,

2019 Cause: Automobile crash

**Master Patrol Officer Spencer Daniel Bristol** Hendersonville P.D., TN EOW: Monday, December 30,

2019 Cause: Struck by vehicle

**Deputy Sheriff William Christopher Dickerson** 

Panola County S.O., TX EOW: Tuesday, December 31,

2019 Cause: Gunfire VB

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## **Employee Benefit Trust**

#### **CORRECTIONS OFFICER SCOTT NICHOLAS**

Vice President

I hear you! I have received dozens of emails, phone calls and text messages regarding the original letter sent out from EBT in the last days of March to all of the commissioned members and participants of LVMPD.

The bottom line is that there were changes voted on by the EBT Board of Directors that would have serious impacts to current benefits for employees who retired after July 1, 2020.

Although I am a member of the EBT board, I was not at the meeting where the changes were voted on. I can promise you, I was not happy with the changes and immediately attempted to find out how many groups would be impacted by the new plan.

Without going into what was supposed to happen on July 1, 2020, I was able to convince the board to suspend the changes until an emergency meeting could be held later in the month of April. So, as I'm writing this article, the meeting has not taken place. I am hoping to have received feedback from our membership on how to proceed with contribution rates and reimbursement amounts by the time this article reaches all of you.

I will provide some history of this Benefit Trust so that those of you

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who were here in the early years will be refreshed on when this all started, and those of you who weren't here will have some of the history on how we got here as well. I will try to highlight some of the major benefits and contribution changes over the years.

#### **History**

The EBT was formed by PMSA for supervisors in July 1998.

In July 2000, the board was asked if the total years to contribute would be capped. Examples were 20–25 years for younger employees and 10–15 years for more senior officers. Trustee Bill Young said the Trust was far too new to make that determination, but it could be looked at if a new actuarial study was completed. *No cap was ever approved!* 

LVPPA requested to join in July 2001.

The first payroll deductions were July 1, 2002. Mandatory was participation based on a narrow vote of PPA members.

On December 31, 2002, the Trust agreement was modified and it was mandatory for officers to participate in the Trust.

The original contribution for PMSA employees in July 1998 was \$49 per pay period (PPP), and you would receive \$200 per month once you were age 50 and had five years as an employee of LVMPD.

On October 6, 2000, the employee contribution (only for supervisors) went up to \$52.19 PPP, with no change in benefits.

On November 2, 2001, employee contribution (only for supervisors) went up to \$54.15 PPP, with no change in benefits.

On January 1, 2002, employee contributions for all commissioned went down to \$37.50 PPP with no change in benefits.

In July 2003, employee contributions stayed the same at \$37.50, but benefits went up to \$300 for 37 supervisors that were eligible (age 50, and five years' service credits after July 1, 1998).

On July 30, 2006, employee contributions were still \$37.50, but the benefits went up to \$350 per month. Still no eligible PPA members had begun collecting benefits. In fact, they would not be eligible for another year.

In July 2007, 115 officers became P# 10065 eligible to collect a benefit of \$350 per month.

In January 2008, the payroll deduction began coming out of 26 checks instead of 24

In July 2009, the employee contribution went up to \$46.15 PPP (\$1,200 per year), and the benefit went down to a \$300-per-month reimbursement maximum.

On July 1, 2015, the employee contribution went up to \$66.46 PPP (\$1,728 per year) and the benefit amount went up to \$400 per month.

After the July 2015 increase to employee contributions and benefits, the board was told the actuarial report was wrong and the contribution should have been \$78.46 PPP (\$2,040 per year) to be able to sustain the \$400-per-month benefit.

The bottom line is that there have been a lot of changes to the plan contributions and the plan benefits over the last 22 years.

It is clear that there is a very disparate amount of contributions being paid by current employees, compared to those who originally paid around \$5,000 to be fully vested.

My goal as a trustee will be work toward a solution to provide the best benefits to those members paying into the trust, and to try and protect the benefits for those who have already retired.

Please be safe, and thank you for your membership. VB

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## Facing an Unseen Enemy

#### **CORRECTIONS OFFICER MYRON HAMM**

Director of Corrections

Americans are some of the most resilient people in the world. When you remember the many tragedies and horrible incidents that have plagued this great land of ours, it really makes you think. Among the things that stand out to me is the first Gulf War. I remember being a 20-year-old kid stationed at Nellis Air Force Base and watching the news one night and realizing we were at war. I had friends who were boarding planes and leaving with less than a day's notice. A few months later, I was on a plane heading to Saudi Arabia. The experience of what I saw and participated in shaped my views and gave me an understanding of what my role was. There are three other things that stand out for me: the Oklahoma City bombing, the 9/11 attacks and the Route 91 shooting in Las Vegas. Each event was different in some aspects, but what made them similar was that we were dealing with an enemy where we could use force, training and swiftness to bring them under control. I am sure each of us can remember where we were and what we were doing when these events happened.

In all those preceding events, we had a common enemy that could be met with cunning and force. The resiliency and resolve that this country and this community showed in the wake of tragedy were amazing. After the Route 91 incident, I personally witnessed this community coming together and supporting each other. The tragedy made us stronger, and the resolve shown by this community demonstrated a grit and toughness only seen in true champions. Today we are faced with another enemy. Unfortunately, this is an enemy that we cannot see. Brute force, ability, cunning and training may not be enough to combat this new enemy.

We as Americans are always looked upon as the example, and the rest of the world follows suit. The enemy we face today may be unseen, but we should not let that break our resolve and divide us. I have seen people in a panic and watched people at stores push and shove each other for toilet paper. I hope we all sit back and take a look at ourselves and remember the principles of what our society is built upon. My first instinct is to help someone and to see what I can do to ensure we are safe. I firmly believe that we will defeat this threat, but we can only do so if we all stick together and look out for each other. We in law enforcement will be looked upon to set an example for how to react to tragedy. I saw it firsthand during and after the 9/11 attacks. We did not lose our resolve, and we were able to come back better than ever. A famous American athlete once said, "Resolve never to quit, never to give up, no matter what the situation." VB



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### Planning for the Future

#### **DETECTIVE BRIAN GRAMMAS**

Treasurer

I have always been a "be prepared for tomorrow" kind of person. Having been at this job for almost 24 years, I always like to plan for a rainy day. I recently had the opportunity to speak to the last graduating patrol class, and I want to express the importance of being careful with your funds. This career field can be lucrative, and you are able to live comfortably if you maintain a level of frugality when it comes to spending. There is nothing wrong with buying that truck that you have always wanted or buying a new home for yourself and your family. But I always tell new people that your career is a marathon and not a sprint. That means don't overextend yourself and don't live beyond your means. Unfortunately, we are facing difficult times, and there are a few things we should always strive to protect.

The first thing is your career — none of us are perfect and sometimes trouble will find us without any effort on our part. I recently spoke to a newly retired officer. She told me that she spent her first 17 years on this department without having a critical incident or going to internal affairs as a witness or a subject. She stated that she had always been a member of the LVPPA and always felt confident that she was offered protection and advice if needed. Year 18 hit, and she had her first use of force and

a month later her first subject interview with internal affairs. These incidents were unrelated, and she said she felt as if the world was caving in on her. Fortunately, she was prepared for these occurrences and came through both incidents without any negative outcome. I equate this with having a home warranty plan: You P# 9206 may never need to use the warranty, but if something happens, you have protections in place.

The second thing to protect is your financial stability. This means be smart. My nephew is currently in the Police Academy. He asked me about deferred comp and wanted to put in the max amount. I advised him to think about diversifying his money. I asked him to figure out what he could live on and then look at not only deferred comp, but also a savings account. I then told him about the advice retired Sergeant Bill Yada gave me: Every raise you get, put that into deferred comp. Because your lifestyle is not used to the extra money, you will not miss it. You will, however, begin growing the deferred comp money for the future. Like an old military veteran once said, pay yourself first. Always set aside something for that rainy day and be prepared if times get lean or become difficult. Protect the investment you have made in your life and ensure the necessary stability for your family.

None of us can predict what tomorrow will bring, but isn't it nice when we are prepared when it arrives? VB



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## Essential Service for Those in Need in Difficult Times

#### OFFICER JOHN ABEL

Secretary

Police officers are essential workers, but do not forget about the people we serve in our community who are jobless and struggling. Their tempers and patience may become shortened, but they will keep looking to us as first responders to continue to do our jobs. At times like this, I am reminded of a quote from John F. Kennedy: "Ask not what your country can do for you; ask what you can do for your country." As an essential profession in our community, we continue to receive pay and benefits that many others have stopped receiving. I have reached out to relatives and friends who I know are struggling and offered them help because I feel it's the right thing to do. I am going to buy groceries and deliver them to a food bank in the Las Vegas area. I reached out to other officers with large families who I thought would be too proud to ask for help and offered my help to them as well. As police officers, we make a good living, and in times like this I would hope that we all find ways to give back to the communities we serve.

These are difficult and unprecedented times, and much will be required of us to get through them as best we can. I hope that every police officer who reads this article will self-reflect and remember what is important in

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- 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.

times like these. When I self-reflect, the two words that ring clear are *selfless* and *sacrifice*. What can I do make this journey easier? If money becomes an issue, reach out to your mortgage and car loan providers and ask for a loan forbearance for 90 days. Do not be afraid to not have all of the answers and reach out to those entities that can provide answers. We will have some of the same hardships that the public has, but they will look to us for guidance on how to handle them.

Your presence will calm people's fears.

Remember, if we fall, the city falls. In times like these, we become the last line of defense against the people who will try to prey upon citizens of Las Vegas.

Be that guardian of society that we all know how to be. Show up to shopping centers that provide an early shopping hour for senior citizens and ensure no one is waiting in the parking lot waiting to victimize them. Your presence will calm people's fears. Remember, if we fall, the city falls. In times like these, we become the last line of defense against the people who will try to prey upon citizens of Las Vegas. Hopefully by the time you read this, the worst will be over and we can move into recovery. Recovery for our resort city will be tough, but with our help, recovery will happen and it will prosper once again.

The key things we should be focused on are keeping ourselves safe, maintaining our professionalism and limiting our exposure to the virus. Keep up to date with the COVID-19-related information put out by the Department. Read the daily COVID-19 SITREP posted on the intranet. Take extra time to put on your PPE and report exposure on an occupational injury form in a timely manner before the end of shift. If you have any questions about COVID-19 or related work issues, please call me at any time, 24/7, at (702) 468-0766. VB



## **ASSOCIATION EVENTS UPDATE**

#### **ADELLA SOLANO**

**Events Coordinator** 

his article is long overdue. I am going on my fourth year as the events coordinator, and let me tell you, it has been one hell of a whirlwind. When Steve Grammas became president, one of his visions was to make sure the Association gives back to its members. The PPA went from hosting a "trunk or treat" and Santa Day to adding UNLV tailgates, Las Vegas Aviators and Vegas Golden Knights games, as well as a variety of events at the PPA office.

My role as events coordinator has changed greatly; I now participate in a lot of strategy meetings with the Executive Board about how the PPA can give back to you. As the events have grown, we have experienced growing pains. Some of these have been related to how we can be fair to all — the most efficient and objective way to distribute tickets and make these events equitable for all demographics of our membership. My system now is to have you send an email to events@lvppa.com with basic information, like your name and P#. I enter all P#s in an Excel spreadsheet with a formula that randomly draws P#s. I do not, repeat, do not know who won tickets until after the P#s are drawn. Even then, I will not know who is who until I look up the P# in our database. The Executive Board does not have any say in who wins tickets at all! In fact, they usually do not know who won tickets until the list is finalized. Sorry, all you conspiracy theorists out there, to burst your bubble.

The biggest takeaway I want you to know is that our current Executive Board gives me complete oversight of how this process is conducted, and I do have their complete support in this unbiased selection process. I know some of you have previously contacted the Executive Board asking, "Hey, can I get some tickets for that game?" I can almost bet they have told you, "I have to ask Adella." Please keep in mind, we do these events for you, the membership. All I ask is please do not try to circumvent my process — the "good ol" boy" system you think occurs does not! As your union, we value your support, solidarity and commitment to our fight for every single one of our members.

- Vegas Golden Knights tickets: I get over 600 emails for 50 pairs of tickets, so there is a high chance you will *not* get tickets for a game. I will ensure that a member does *not* get tickets twice in a season. We host four games in a season, with 50 pairs of tickets for each.
- UNLV and Aviators: We have 400 tickets and give out four per family unless you have more children. The same process applies — I enter your P# and randomly draw your P#.

We do receive free tickets every so often for certain events around town, and if I can, I will always give you plenty of time to come by the office and pick up your tickets.

We are always looking to partner with people in our community, like Lifetime Fitness or UNLV, for season tickets.

My mission has been to partner with organizations that give exclusive deals to PPA members. If I put something out to the membership, it is because I have worked with a community partner to come up with the best deal for PPA members.

This is to all the members who have been hired in the last 18 months: Please do not take these benefits for granted or feel





you are entitled to them. We all work very hard to put these together, and if you "no call, no show" for an event, please know I will ban you from entering any further drawings for the remaining year. There is absolutely *no* reason not to contact me and let me know you are not able to attend a game. My email and phone number are everywhere on the emails I send you.

Upon winning tickets, you will receive emails from me with detailed instructions directing you to locations to meet me for the entrance or transfer of tickets. I use a program called Constant Contact, which will tell me the exact time I send an email and the exact time you open the email I sent you — so the excuse of "I never saw the email" will not work, because I will be able to see if it was sent, received and opened. Constant Contact tracks who has opened an email, who hasn't opened an email and if any bounced back. They are all timestamped, so I know exactly when you open an email. When I send you an email saying you won, I give you a day to open and read the instructions. I will then find out who has not opened the email and contact them directly to inform them they won tickets. I understand sometimes it goes into your junk email. I also send at least three emails leading up to the event with all the information you will need for that event. The time I spend making sure you are informed of all the information is a bit crazy, but I want to make sure you are informed.

If you *ever* have any questions about how events are handled, please do not hesitate to contact me directly. My cellphone number is (702) 423-0696. **VB** 



#### COVID-19: The Governor's **Emergency Powers**

**DAVID ROGER** General Counsel

Hopefully, by the time you read this article, the peak of the coronavirus crisis will have passed. Governors around the country have issued orders and enacted regulations that significantly impacted our daily lives. This article will address various statutes applicable during a declared state of emergency.

#### Authority to Declare a State of Emergency

NRS Chapter 414 establishes a framework for our government's response to disasters and emergencies. NRS 414.0345 defines emergency as "an occurrence or threatened occurrence for which, in the determination of the Governor, the assistance of state agencies is needed to supplement the efforts and capabilities of political subdivisions to save lives, protect property and protect the health and safety of persons in this state, or to avert the threat of damage to property or injury to or the death of persons in this state." The definition of a disaster is similar and allows the governor to request federal assistance.

Because the spread of the COVID-19 virus threatens the health and safety of citizens, the governor P# 15362 declared an emergency on March 12. As such, NRS 414.060 and NRS 414.070 grant the governor broad authority to assume the emergency management of the state.

#### Powers and Duties of the Governor

NRS 414.060(1) states, "The Governor is responsible for carrying out the provisions of this chapter, and in the event of an emergency or disaster beyond local control, may assume direct operational control over all or any part of the functions of emergency management within this State." Additionally, the governor is given authority "To perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population."

This broad authority is given to the governor during emergencies, without the normal checks and balances provided by the Legislature, because of the need to act quickly to protect citizens. To that end, the governor has the authority to remove any public officer from administrative responsibilities for failing to comply with the governor's orders and regulations.

#### **Limitation of Emergency Powers Relative to**

The governor's powers, while very broad, do not include seizing firearms and ammunition from law-abiding citizens. NRS 414.155 declares: "Pursuant to Amendment II of the Constitution of the United States and Section 11 of Article 1 of the Constitution of the State of Nevada, and notwithstanding



any other provision of law, the emergency powers conferred upon the Governor and upon the executive heads or governing bodies of the political subdivisions of this State must not be construed to allow:

- 1. The confiscation of a firearm from a person unless the person is:
  - (a) In unlawful possession of the firearm; or
  - (b) Unlawfully carrying the firearm; or
- 2. The imposition of additional restrictions as to the lawful possession, transfer, sale, carrying, storage, display or use of:
  - (a) Firearms;
  - (b) Ammunition; or
  - (c) Components of firearms or ammunition."

Thus, with the exception of laws on the books concerning CCW and prohibited person in possession of firearm laws, the governor is prohibited from seizing firearms and ammunition from citizens.

#### **Enforcement of Orders and Regulations**

NRS 414.160 requires every organization of emergency management, and its officers, to enforce the governor's orders and regulations.

#### **Regulations Concerning Businesses**

On March 20, pursuant to the statutes previously discussed, the governor enacted NAC 414, which establishes regulations concerning the closure of non-essential businesses.

Presently, non-essential businesses include:

(a) Recreational activities, including, but not limited to,

recreation and community centers, sporting event venues, fitness facilities, gyms, clubhouses, racetracks, zoos, aquariums, golf and country clubhouses not to include golf activities outside clubhouse settings, bowling centers, cinemas and movie theaters, skiing facilities, theme parks and amusement parks;

- (b) Brothels and houses of prostitution;
- (c) Live entertainment venues, including theaters and adult entertainment establishments;
- (d) Retail facilities that are not specified in Section 1 as essential businesses and are unable to sell goods through shipping or direct delivery to consumers;
- (e) Restaurant services providing in-house dining only;
- (f) Nightclubs;
- (g) Pubs, wineries, bars and breweries;
- (h) Gaming machines and gaming operations;
- (i) Aesthetic services and schools of aesthetics services, including hairdressing, barbering, cosmetology services, nail salons, tanning and airbrush salons, massage (not provided by a physical therapist), waxing, diet and weight loss centers, and other cosmetic services;
- (j) Spas;
- (k) Sporting goods and hobby shops; and
- (l) Museums and art galleries.

The list of non-essential businesses may expand as necessary to protect the community and stop the spread of the coronavirus.

#### Conclusion

The authority given to the governor is great, and the Legislature entrusted the chief executive to use sound judgment in times of emergency. Undoubtedly, lawmakers will evaluate these laws and make necessary changes in future legislative sessions. VB

#### **RETIREMENTS**

2/1/20	Donna Curry-Simon	P# 3337	CO II	32 years
2/1/20	Hector Navarro	P# 4052	PO II	28 years
2/1/20	William Schoen	P# 4798	PO II	25 years
2/1/20	Kevin Ploense	P# 6269	PO II	21 years
2/1/20	Richard Burrus Jr.	P# 6610	PO II	20 years
2/2/20	Lamar Tatum	P# 5398	PO II	23 years
2/2/20	Richard Jefferson	P# 7957	CO II	16 years
2/7/20	Richard Nogues	P# 5622	PO II	22 years
2/10/20	Steven Thaxton	P# 4464	PO II	27 years
2/11/20	Dennis Herald	P# 5840	PO II	21 years
2/18/20	Anthony Petrulli	P# 6647	PO II	20 years
3/4/20	Stephen Hammack	P# 4776	PO II	25 years
3/6/20	Michael Loving	P# 4889	PO II	25 years
3/20/20	Lee Doss	P# 6305	CO II	21 years
3/21/20	Gerald Cahoon	P# 6062	PO II	21 years





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or many people, right now is a frightening time — especially when it comes to your financial investments, and specifically retirement investments. First responders and their families, who are on the front lines of this crisis, are especially impacted.

In times like these, it is important to have the assurance that your financial plan is covered and your loved ones will be provided for in any eventuality. That allows you, as you face the incredibly difficult job you have, to at least remove that worry as you go about your day or night shifts.

As state employees, having the PERS retirement provision is a great help. Everyone who qualifies for this benefit deserves every bit of it. It is important to make sure you have someone who is aware of the plan's details to help you understand it, so you and your family can get the most out of it.

Of course, PERS may not provide for everything you may need to put your retirement plan together. A secondary source of income can be put into your plan. This especially helps you with taxes in retirement. You may not be aware that both the investment world and the insurance world can work together to make you feel more secure in your future. There are options in investments that will P# 00072 protect you from loss in difficult market conditions and still give you the wealth-building results you need. Many are also not aware that the insurance you need to buy can also be a possible source of income in your

There are options in investments that will protect you from loss in difficult market conditions and still give you the wealth-building results you need.

retirement years. You can even use life insurance to provide for disability and long-term care needs in many cases.

The financial world is evolving very fast to keep up with the demands that workers now face. If you have not had time to go over all the details of your life/retirement plan recently, I encourage you to go to a financial professional you trust. Find one who is versed in PERS, as well as investments and insurance. Put a complete plan together and you will have one less thing on your mind during your days and nights.

You can reach me at Jeff@FioreWMG.com or (702) 888-2046. VB

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## SITION BEFORE SUBMISSION

this principle applies when confronting a suspect in control of a vehicle



**CHAD LYMAN** LVPPA Director

n Brazilian jiu-jitsu, we are taught a core principle early in our training that we build upon throughout our whole BJJ experience: "position before submission." This means you should attempt to solidify a dominant position before attempting to make your opponent submit. This is a fundamental principle of jiu-jitsu due to some of the underlying premises of the fighting art. The smaller, weaker person may be able to defeat a stronger, bigger and more athletic adversary through the use of superior position. This dominant position allows the practitioner the ability to isolate limbs or a choke and finish the fight. Dominant

position also lessens attacks and potential damage the opponent can inflict, and gives the person achieving this position time and options to stay safe if their particular attack doesn't work. Through proper positioning, a BJJ practitioner can maintain an ability to move and limit their opponent's ability to move.

Dominant positioning is so important that I teach my students position before anything else — a takedown, reversal, escape or submission. The fight is a battle for proper position. If we can immediately fix bad positions and then establish dominant ones, the fight becomes a battle of position and strategy, not just a physical contest that we may not be able to win. Dominant positioning gives us options, time, the ability to move, distance management, leverage and angles; it covers up physical deficits and creates a greater mathematical chance of victory. Position stacks the deck in our favor and leads to favorable outcomes for us.

#### The Position Principle in Law Enforcement

This principle can be applied directly to the law enforcement world and use of force. In law enforcement, the preferred outcome is control and then custody. I am going to address a particular use-of-force event where the principle of position can greatly influence the outcome: an officer dealing with a suspect who is in a car and still in control of the car.

Proper positioning in this situation is strength. Win the position war and physical attributes don't matter as much. Proper position makes the weak strong, strong stronger and strongest dominant. In this scenario, the car weighs over 2,500 pounds, is physically strong with a hardened shell and is much faster in a straight line than the officer. The front of the car may emit light that can blind or inhibit vision, and the vehicle is more effective moving forward as a weapon. I want to be clear as I write this article that it is not a slam on any officers working for LVMPD or anywhere else who have been involved in an OIS involving a driver in a vehicle. There are lessons to be learned from these events, and these are some of the challenges I have seen as we analyze what works and what doesn't. In the events I am aware of where officers have used lethal force on the driver of a vehicle, they have done so to attempt to stop someone they believed was a lethal threat.

It is also imperative to evaluate uses of force, even justified ones, and see what we could have done better. When I coach one of my athletes' performances in a competition or fight, we try to learn from the event and look for options where the athlete could have done better. It almost always comes down to who dominated positionally throughout the fight. Good positioning leads to good outcomes. Shooting at an occupied vehicle rarely produces the result the officer delivering force hopes for, and almost always occurs because the officer is at a positional disadvantage that makes them believe they will be hurt or killed by the vehicle. I am going to write about some real circumstances and perceptions that have led officers to engage vehicles. I am not going to put any names to the examples, but I am going to discuss in detail some of the unique characteristics of shootings where officers engage drivers of vehicles.

Officers use lethal force to protect their own life or the life of others. As officers deploy lethal force, they are assessing the suspect's behavior. Just because an officer uses force, that does not mean the threat goes away, but it may go away. Often the suspect will change their behavior and stop utilizing life-threatening resistance due to a display of potential force and verbal commands, or an actual deployment of deadly force. Compliance can occur even when the suspect is capable of continuing to resist, and the threat still exists but the suspect's resistance ceases. At times, the suspect may continue to resist, but not in a life-threatening manner. For example, someone with a firearm raises it toward officers and is shot as a result. The suspect goes down to the ground after being shot, is awake and alert and drops their firearm, but does not obey commands to be put into a position to be safely taken into custody. The threat is not gone, but lethal force resistance is not actively being deployed and the suspect is not showing an intent to do harm any longer, so lower force options can be used. The scene also slows down, allowing officers to slow down in their response to the event.

In an event where the vehicle is the weapon being deployed, lethal force (gunfire) rarely stops the suspect's resistance and the suspect often accelerates, using the vehicle as a means to escape the force and custody. The resistance doesn't slow down and the officer almost gets caught up in continuing to use a force option that is not stopping the suspect's resistance and is not changing their behavior, either. In fact, suspects who are shot at as a result of their driving tend to drive harder and faster as opposed to changing their behavior, although this is not to suggest that suspects operating a car should never be shot at. Another incredibly challenging aspect of delivering lethal force (even justifiably and reasonably) with a handgun versus a suspect operating a vehicle is that the suspect has both aspects

of concealment and cover (parts of the vehicle) and is moving. That movement can be extremely fast, and distance rapidly changes during the engagement, with the suspect rapidly moving away. It is extremely challenging to be effective in a lethal engagement with a handgun against a suspect who is moving rapidly, getting farther away, and has rolling cover and concealment.

The OIS cases I have been able to review have been due to the officer legitimately feeling the suspect is using the vehicle as a weapon to attempt to run over the officer, other officers or potentially civilians. The officers' hearts are in the right place in these events, and everyone usually sees that when these events are reviewed and the actions of the shooting officer are evaluated and judged. Despite this, these events are complex, and some of our officers who have used deadly force to stop suspects demonstrating life-threatening resistance through driving have received discipline at the Use of Force Board and Tactical Review Board. I don't agree with the discipline in some cases and have sat with these officers to assist them in defending their points of view in the boards. This is not an indictment of those who dealt with these circumstances in the street with an elevated heart rate. This is an attempt to analyze what happens often in these events and what could be improved.

#### Vehicle as a Tool of Resistance

The first thing to realize as an officer is that suspects on occasion will use the vehicle as a tool to resist. To be clear, if a suspect uses a vehicle to counter an officer's lawful commands, and in the course of resisting causes a life-threatening circumstance, I believe the suspect is to blame for their own actions. The officer is not "causing" the suspect to use the vehicle as a weapon and attempt to run them

over. However, officers can greatly mitigate risk to themselves through positioning. We have seen events where the suspect attempts to run the officer down, and we have seen times when that was made easier by where the officer choose to position themselves. At times officers have ended up near the front of the vehicle on stops. Some officers have even stated that "complacency" that the stop would go well resulted in them being a poor position. Once they were there, the suspect ended up using the vehicle as a means to resist arrest and went after the officer with the vehicle. The officer's complacency in positioning did not cause the use of force, but the poor positioning did expose them to an elevated threat they may not have been in danger of if they had maintained dominant positioning.

If we consider the vehicle as an adversary independent of its driver and think about its strengths

and weaknesses, it helps us understand where to be in relation to the vehicle. The vehicle's strengths are power, speed and movement in straight or gradual lines. The vehicle's weaknesses are virtually no lateral movement, limited turning radius and change of direction, and less ability to drive accurately at speed in reverse than forward. You need to be aware that if you are forward of the front tires of the car, you are within the vehicle's turning radius if the suspect uses the vehicle as a weapon to flee. Another key concept to understand is the idea that if the car were an actual living, breathing and thinking adversary, a handgun would most likely be ineffective in stopping the vehicle from moving, even if it were a threat. In LEO use-of-force training, if we were authorized to fire at a vehicle, we would be legally justified to fire at the driver of the vehicle, not the vehicle itself. The key thing to remember if you are at risk of being run over by the vehicle and you have exhausted preclusion and must engage is that shooting the driver will not stop the vehicle.

When we analyze how to respond to lethal threats from a vehicle with the above points, we quickly realize key components for officer safety begin with respecting the lethality of the vehicle and positioning ourselves laterally or behind the vehicle. It is essential that you do not put yourself in front of the vehicle, or even forward of the front wheel well. If the vehicle is off and you are near the front of the vehicle for some reason, and then it is started, you need to move immediately away from the front of the vehicle laterally and back so you are not in front of the vehicle or inside the arc of the turning radius. In close quarters, once the vehicle is on, engaged in drive and moving forward, rounds delivered to the driver are not likely to stop the vehicle and prevent harm to an officer. The safest option if possible is to move laterally and at a backwards angle.

#### On the Move

If you are forward of

the front tires of the

car, you are within

the vehicle's turning

radius if the suspect

uses the vehicle as

a weapon to flee.

Rapid movement can help an officer manage exposure to danger from the vehicle even if the suspect is attempting to hurt the officer with the vehicle. The officer can immediately mitigate some of that risk P# M1213 by moving, and by so doing can manage the threat better by creating multiple response options and limiting the effectiveness of the suspect's life-threatening resistance attempt. When the officer stands still and attempts an ineffective force option (even if reasonable and justified), the lethal attack continues for a longer period of time, with greater exposure and danger to the officer as the vehicle moves. This longer threat and lack of response (change of behavior) as the officer engages the threat with lethal force can make it challenging for the officer to realize that they are not actually being run over and the threat is actually now moving down the street past them. The officer has to process this change in threat to themselves, figure out if there is anyone else in danger, and tell themselves to stop shooting and change tactics as they realize the deployment of force has not had the desired effect to stop the suspect or change their behavior.

All of these decisions are happening while the officer is subject to the physiological effects of an elevated heart rate, in tense and uncertain circumstances, under the additional duress of a life-threatening attack. That time actually lengthens when the officer is convinced they are being killed as the event is unfolding. This can result in the officer continuing to engage the suspect (in the vehicle) after the threat is past, which happens while the officer is delivering ineffective force (even if reasonable). Deciding when to start and stop deployment of lethal force while using lethal force against a large and fast adversary that

seems to be oblivious to the force you are deploying is an additional challenge unique to this situation. In short, if the officer's mind decides the gun is the answer to the problem, and the gun has little to no effect on the actual threat, it may delay them in stopping their shooting once started, because the officer feels threatened until the vehicle is away from them. This generally happens because the vehicle has moved away and is no longer a physical threat to the officer, but they are still shooting because they have not been able to process all of the things that are happening simultaneously as they are shooting. This is very harmful to the officer's position when they are evaluated and judged regarding their application of deadly force after the event. Everyone who evaluates these things will say that they are doing so without viewing the event from the lens of 20/20 hindsight, but I am telling you 20/20 hindsight slips into these

reviews all the time. The most common place I see 20/20 hindsight application is in shootings involving shooting at the driver of a vehicle, especially once the vehicle is past you.

When an officer either sets up on the vehicle from a position of strength relative to the danger the vehicle presents (the best option) or rapidly moves to help alleviate life-threatening circumstances relative to the officer (necessary if caught out of position), the length of the lethal threat to the officer is compressed. This allows the officer to escape the lethality of the situation and gives them options other than attempting to shoot the driver of the vehicle. Although the vehicle is big, strong and fast relative to a human, it is not agile or good at changing direction. Movement is actually a critical tool against a vehicle that is a threat.

#### **Fleeing Drivers**

One of the most scrutinized uses of lethal force an officer will ever deploy is shooting at a vehicle's driver while the vehicle is moving away from them. The initial engagement of the driver when the vehicle approaches an officer may be ruled justified, but if the driver does not change their behavior, in a flash the vehicle is away from the officer and moving down the street. Be warned, it can be hard to justify continuing to engage the vehicle. A hypothetical threat to others will not be enough to justify continued deadly force engagement. Also, be cautious of using a "fleeing felon" *Tennessee v. Garner* standard. This can be a factor if officers have an extreme vehicle pursuit and suspects are continuing to exhibit

(continued on page 22)



#### **POSITION BEFORE SUBMISSION**

Continued from page 21

life-threatening resistance during the pursuit (like shooting at officers and civilians). The fact that someone tried to run the officer over and then drove away should not be prima facia evidence to them that they can continue to engage a driver fleeing in a vehicle.

Another factor influencing the reasonableness of continued application of deadly force upon the driver of a fleeing vehicle is the idea that as you apply any force option, you should be assessing as you deploy the force. You assess if the force is effective or not. Some indication that it is may be that the suspect is incapacitated or controlled by the force, the threat level changes or the suspect's behavior changes and they begin to comply or change their resistance level. That assessment occurs while the fight/event is unfolding, but it must occur. Once the vehicle passes the officer and the officer is attempting to shoot at a driver driving a vehicle away, the effectiveness of that force option to stop the vehicle or change the suspect's behavior is not likely. Handgun rounds fired at a driver coming at the officer and as the vehicle is next to the officer rarely stop the driver or get them to change their behavior. As the vehicle gets farther away, the handgun rounds are less likely to score effective hits on the driver to stop or change any life-threatening resistance they are engaged in. Officers generally do hit the vehicle as it moves away, but it generally has no effect on the driver and their driving. In fact, the driver usually drives faster and gets farther away, quickly limiting the effective range of a handgun even if the suspect were not in a vehicle.

Shooting at a driver in a car moving away is like trying to shoot someone at a distance who has some cover and concealment. To make the shooting scenario more challenging, your suspect maintains cover/concealment while they are rapidly creating more distance from you as the shooter. A better option would be to try to close the distance, change your angles and hold fire, as addressing a suspect (even a life-threatening one) from a distance while that

suspect has cover/concealment is not an effective deployment of force. Even if you truly believe that suspect is a lethal threat to the community and is likely to kill members of the community with the vehicle, attempting to stop them or change their behavior with rounds from a handgun at distance is not likely to work. The farther the suspect gets away from the officer without attempting to kill others with the car, the harder it is to say they are still trying to use the vehicle as a lethal instrument as opposed to a means to flee.

The most current version of LVMPD's use-of-force doctrine states that officers should not shoot at the driver of a vehicle to stop life-threatening resistance if the only "weapon" is the vehicle (as opposed to, for example, a situation where the suspect also has a gun and is shooting while operating the car). But the Department does not feel the vehicle truly cannot be used as a weapon, as the charge for the suspect who attempts to run over an officer with a car will be AWDW and Attempt Murder on a PO. I have voiced my opposition to the way this policy is worded, in that it says you cannot shoot at a driver of a vehicle who is using that vehicle as a lethal weapon. I also agree, however, that shooting at a fleeing vehicle from behind is generally not effective. The risk (bullets flying through the community) versus reward (the suspect rarely is stopped or changes behavior) of shooting at a fleeing vehicle is why many departments severely limit officers' ability to engage suspects in vehicles. I feel a better option to this problem is training officers effectively, instead of just using policy to address this.

#### The Bottom Line

In summary, positioning is key anytime you are dealing with a suspect in a vehicle. Stay vigilant. Your ability to dominate people in that car can be greatly enhanced by positioning yourself in good position prior to the suspect resisting. If at some point the suspect begins to attempt to use the vehicle against officers as a weapon, effective movement is just as important as any gunfire you may use to address the threat. (Be certain you are up on your department policy before you choose any force option.) If you have to use gunfire to attempt to stop the lifethreatening actions of the suspect, remember to move at the same time. When you are dealing with an assault with a vehicle, stillness is death and movement is life. The principle of responding to an ambush attack involving getting off of the "X" is critical here. Your training and preparation for these events should focus on mindset (no complacency/mental pre-rehearsal), positioning, movement (to include practicing shooting on the move —remember, in these events, moving is even more vital than shooting, even if shooting is justified and within policy) and assessment throughout the event if the driver continues to drive after force is delivered (with a change from delivering deadly force to pursuing the suspect). Position and movement trump all.

Even if shooting is within policy, justifiable and reasonable at the time force is delivered, keep in mind that the rounds are not likely to stop the vehicle. Make sure you are current on your department's use-of-force policy and what is reasonable and lawful in response to a threat, stay mentally sharp, and train and prepare for the threats you face in the street. Make sure you are staying safe and training a little a lot. VB



May 10 Mother's Day

May 15 National Peace Officers Memorial Day

May 25 Memorial Day

June 14 Flag Day

June 21 Father's Day

#### **CONGRATULATIONS**

to the contest winners from the last issue!

March/April

Hidden Symbol Contest (\$250)

Maribel Rivera, P# 10201

P# Contest (\$50)

Matthew Taylor, P# 15142 Gill Wiley, P# 6384
Andrew Valles, P# 17072 Tanita Williams, P# 6704



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