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VOLUME 16 | ISSUE 4

November/December 2021

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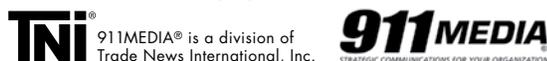
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NAPO – National Association of Police Organizations, representing over 241,000 law enforcement officer members in more than 1,000 police associations nationwide.

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

UCOPS – The United Coalition of Public Safety





President's Message

DETECTIVE STEVE GRAMMAS, PRESIDENT

End to Another Year

I hope this last article of 2021 finds all our members healthy and happy. This has been a tough year for law enforcement, especially for the LVMPD. We lost three of our officers and one sergeant to COVID. I never thought in my 23 years here at LVMPD that we would be losing officers to a deadly disease. As officers, we prepare for dangerous and violent encounters all year long. But this COVID sickness has become a deadly encounter that, in some people, you can not prepare for. We do not know how many more people COVID will take from us, but I am hopeful we can come through this point in our lives in a positive way.

The PPA has been able to start rolling out our usual events for our members and their families with the restrictions easing up on gatherings. We look forward to our first-ever partnership with Opportunity Village for our Santa Day event. Look for the flyer for this event (see page 15), as it will be one of a kind for our membership. We are also happy to roll out our response to New Year's Eve. Last year, 50% of the Executive Board was quarantined with COVID, and we were unable to do our normal New Year's Eve experience. This year, health permitting, we will have our normal three stations of food and hot beverages rolled out to support your efforts on the Strip and downtown.

We had several retirements this past year as well. I am always happy to attend our officers' retirement events, as it means one more officer was able to make it through this career safely and is allowed to enjoy their time free of law enforcement. Congratulations to all of those officers who are successfully navigating waking up when you want and not needing to report to a work shift.

One retirement that is especially important to our membership, as well as to me, is the retirement of Brian Grammas. Brian is my older brother and a person who I have always looked up to in my life. He came to the Executive Board of

Make 2022 the year of trying the things that scare you the most, whether it's testing to promote or testing for that specialized unit.

the PPA in 2017 and has spent the last four years working on our Health Trust, working as our treasurer and assisting members in their IAB interviews, as well as being our expert on the Citizen Review Board. I know he has enjoyed his time here at the PPA, helping members and bringing his sense of humor to the Executive Board, which made coming to work every day enjoyable. Brian will be missed by all of us, but probably no one more than me. Being able to work with my brother has really been an honor for me. We served together in Narcotics, and we serve together now as he closes out his career after 25 years in law enforcement. Please, shoot BG a text or email congratulating him on his retirement coming up December 28. Love you, brother.

I hope everyone has a wonderful holiday season. I hope you all continue to strive for greatness in everything you do. Make 2022 the year of trying the things that scare you the most, whether it's testing to promote or testing for that specialized unit. Make this the year you go for it. There was a movie quote where someone said, "You regret 100% of the chances you didn't take." Take a chance in 2022! Thank you all for your membership and continued support of the LVPPA. **VB**

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New EBT Health Benefit Options for Future Retirees

CORRECTIONS OFFICER SCOTT NICHOLAS

Vice President

The trustees are pleased to announce that *future* retirees now have more choices in how and when they earn or collect an EBT retiree health benefit. Existing retirees have no change to their benefits.

The Employee Benefit Trust (EBT) is a separate and distinct trust fund established years ago to help you as an LVMPD retiree/separated employee from the Department with the reimbursement of your future health care expenses (premiums, copays, deductibles, etc.). This trust fund is currently 100% employee-funded; there is no contribution from the Department on your behalf or on behalf of the retirees.

Your EBT trustees have worked hard to take into consideration all the feedback you have given them and have worked with hired professionals to create a structure they believe to be fair and equitable.

Effective for new retirements on or after January 1, 2022, the structure will be more like what you are used to with PERS. The benefit amount you are eligible for is now tied directly to your years of commissioned service. Once you have accumulated 10 years of commissioned service with LVMPD, you will qualify for a benefit.

- The minimum of 10 years of *commissioned service* remains the

minimum requirement for benefits. Bought time with PERS does not count toward eligibility in this Trust.

- All commissioned time must be within the LVMPD. Time outside of LVMPD does not count toward your eligibility in the Trust.
- To receive the maximum reimbursement benefit of up to \$400 per month, you must have 20 years of *commissioned service*. Bought time with PERS does not count toward eligibility in this Trust.
- You must be eligible to receive a retirement benefit from PERS. Your decision to defer your PERS benefit doesn't affect your eligibility for EBT benefits.

If you *do not* have the 20 years of commissioned service, you now can choose one of the following options:

1. Receive a lesser benefit based on your years of service upon retirement.
2. Elect to buy up to earn the full benefit.

If you choose *not* to buy up any shortfall, you may do either of the following:

1. Retire and defer receiving the benefit until you reach what would have been your 20th anniversary.
2. Elect to begin receiving a lesser benefit directly upon retirement.

The amount required to buy up is different depending on your choice.

A benefit calculator has been created by the actuaries employed by EBT and is now posted to the LVPPA and LVPMSA sites. You do not have to log on or be a member to access it on those sites. We are working with LVMPD to have it placed on the LVMPD Intranet as well. This calculator is a tool to estimate your benefit and/or buy-up amount P# 18566 and should be used to aid you in making the decisions that are right for you. Upon notice of separation/retirement, the actuary will formally complete your out-processing review and will determine the final amount earned and, if applicable, the amount owed if you choose to buy up. Buy-ups can be paid to the Trust out of your cash-out. The contribution is taken out tax-free prior to any payroll taxes being applied.

Beneficiary designations will now be determined upon out-processing. Spouses, domestic partners and children under the age of 26 are eligible beneficiaries. If you get divorced or dissolve a domestic partnership, you will not be permitted to assign another beneficiary. A beneficiary must be an eligible beneficiary to receive a benefit.

Should you have any questions, please contact either UMR at (702) 413-1701 or Kelly Taylor at (702) 515-1400 or retire@lvmebt.com. **VB**

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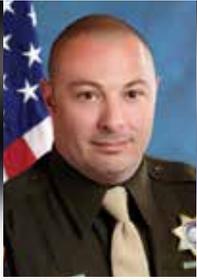
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Takeaways From an Uncertain 2021

POLICE OFFICER BRYAN YANT

Sergeant-at-Arms

As we wrap up the very uncertain and crazy year that was 2021, I'd like to cover some key takeaways. Throughout the year, from the president of the United States and the federal government to our governor and elected officials in Carson City, political mandates and leadership have left many feeling uncertainty. Dealing with COVID-19 and the unknown as it relates to the virus, vaccines, deaths, lockdowns and everything else that has come with it has taken a toll on all of us. Now that cities and venues are opening back up, please ensure that you take some time to relax, take a vacation, go for a nice dinner, spend time with your family and decompress. We all need a break from time to time, so please take some time for yourself.

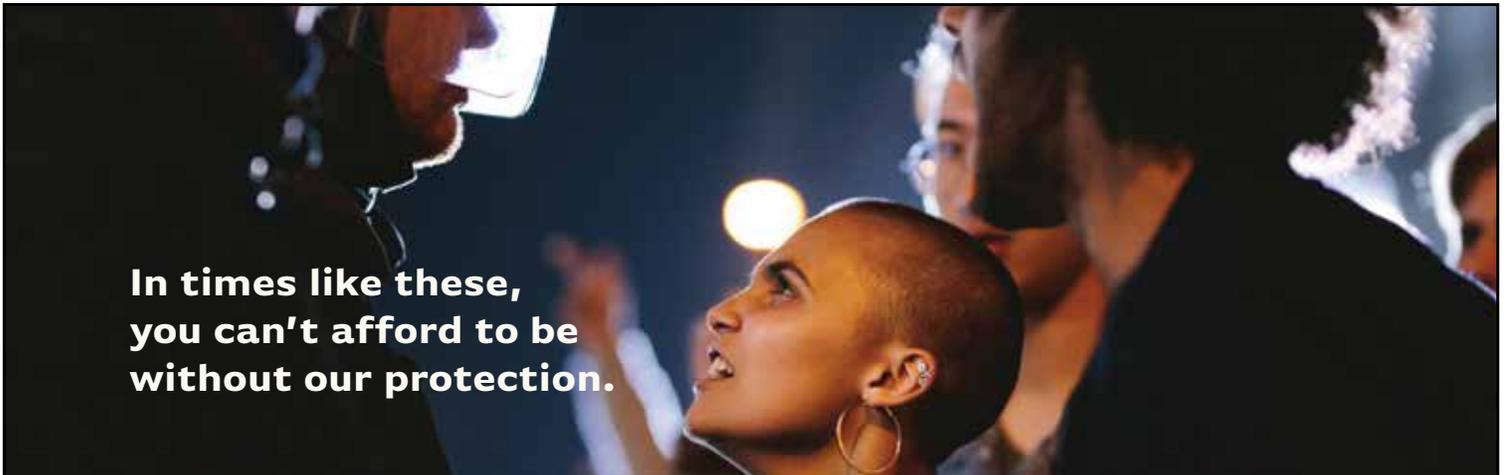
Officers across the country still are coming under attack from violent suspects. Violent crime across the country is rising and criminals are thriving. At the time of writing this article, there have been 349 officers killed in the line of duty this year. Per the Officer Down Memorial Page, 224 officers have lost their lives to COVID-19. I am sure the true number may be even higher, due to officer deaths from COVID-19 that may not be covered by their agencies as line-of-duty deaths. Unfortunately, we have experienced this

recently in the loss of several officers with LVMPD. Any loss of life is tragic, and that families are grieving and denied benefits due to COVID-19 is absurd.

Communication is key, and knowledge is power. We have several ways in which we communicate with the membership. Please, if you are not receiving our emails, call the office and ensure that we have the proper contact information for you, as well as beneficiary information. There are two different email accounts that we use. The first is for deals, offers from local companies

If you are involved in a critical event or an in-custody death, please call any one of the Executive Board members.

offering LVPPA membership exclusive discounts, tickets and other giveaways, and events. The second email account is for general information, legal updates and videos. All of our videos are available on our YouTube page, **LVPPA.com** and **davidroger.us**. We are also always available 24/7 by phone. If you have a question, hear a rumor or need anything at all, please call or text us.



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If you are involved in a critical event or an in-custody death in the field or at CCDC, once it is safe to do so, please call any one of the Executive Board members. It is our goal to respond as quickly as possible and be there to provide you with legal and administrative guidance and support. Once you have given your mandated Public Safety Statement and a monitoring officer is assigned to you, please do not discuss the event with anyone except your attorney and PPA representatives. It is absolutely OK to call your loved ones, but again, refrain from discussing details of the event. If you are working and there is a critical event, text or call any of us and advise us of the event and location. Members of your chain of command and executive staff will respond. FIT (which handles the criminal investigation into an OIS), CIRT (which handles the administrative investigation into an OIS) and now members of the Attorney General's Office will be on scene conducting their investigations.

Body-worn cameras have been extremely valuable in defending officers' actions and clearing allegations of misconduct. Please ensure that you know and are abiding by LVMPD's policy regarding activation and deactivation. In any event, but even more so in a critical event, the BWC footage is crucial in helping to paint a clear picture of what occurred. In a day and age where Nevada and federal elected officials are critical on every issue relating to policing, unfortunately your word alone is not good enough. Let your BWC video and statements tell your truth.

By now, many of you have received your Department cellphones. Please remember that there is zero expectation of privacy with your phone. Utilize your work phone *only* for work-related purposes. Avoid chat groups between squadmates, unless they are strictly work-related conversations. Store your work phone in your locker after your shift and on your weekend. Again, remember, this phone belongs to LVMPD, so you have no expectation of privacy, and LVMPD can search your phone's contents at any time.

Thank you for your membership, be safe and have each other's backs, and make it home after every shift. If at any time you need us, we are a call away to assist you. **VB**

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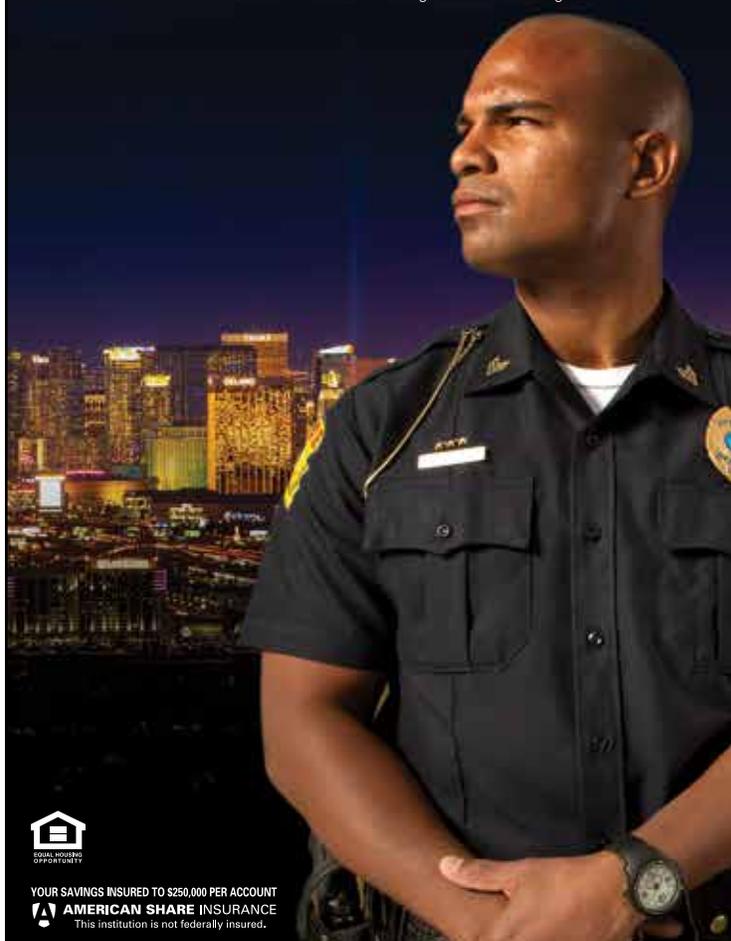
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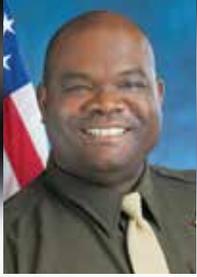


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Responding When Tragedy Strikes

CORRECTIONS OFFICER MYRON HAMM

Director of Corrections

I woke up at about 0700 hours on Tuesday, September 11, 2001. I was visiting my brother in Northern Virginia. My mom and I had been on the East Coast for a week, visiting family and spending time with her first-born grandson, who was 3 at that time. My mom had recently battled breast cancer and was in remission. Our trip up to this point had been great. My mom and I drove to North Carolina and she visited old friends and family. I woke up that morning to get ready for our 1100 flight departing Dulles International Airport. As I was about to bring my suitcase upstairs at about 0900, my mom came running downstairs and announced to me that we were not leaving. I turned on the television and watched in horror as planes crashed into the World Trade Center. Then, shortly after, the Pentagon was hit by a plane. I was worried because my brother's office was less than three blocks from the Pentagon, and he had meetings there all the time. My brother called me about half an hour after the Pentagon crash and assured us he was OK. I vividly remember sitting in my brother's den with my nephew and watching TV for hours. Every channel was dominated by the news and this unforeseen tragedy. I am P# 8794 writing about this because it has now been 20 years and it seems like only yesterday. Two days after the attacks, my mom said to me that life would be different and the way we function would change. The first thing I felt was helplessness — I spent 10 years in the United States Air Force and had been a Metro officer for about two years, but all I could do was sit and watch TV.

So where were you when this happened? I spoke with a colleague who was a TAC officer when 9/11 occurred, and he informed me that they did their best to keep things as normal as possible. A different colleague was in the eighth grade at the time of the attacks, and his perspective was different. What I remember the most is there were no planes or helicopters flying. It was eerily quiet. It seemed like there were a ton of patrol cars on the streets. Even though schools and malls were closed, I noticed a huge law enforcement presence. But isn't that the standard, that those who are sworn to protect and serve go into full protection mode during a crisis? The great thing about a law enforcement career is the ability we have to come together for the greater good. We all work with or have worked with people who we may not see eye to eye with, but in a moment of crisis we



all put that aside and focus on that one common goal.

9/11 changed many aspects of our lives and has affected us in numerous ways. Pre-9/11, flying was easy and noninvasive. I remember arriving at airports maybe an hour before flight time, versus three hours prior after 9/11. Fast-forward 20 years, and now a different form of change has risen in the form of how law enforcement is viewed. After the 9/11 attacks, recruitment into the military and law enforcement was easy. But today we are faced with a looming problem of finding qualified individuals to join the ranks. I believe the attacks on our society are designed to harm us internally. Whether it is 9/11, Columbine, Route 91 or any tragedy that has occurred in our society, it is incumbent upon all of us to strive for a goal of understanding and peace. I firmly believe that whatever tragedy strikes, we have the ability and desire to meet it head-on. So ask yourself what you were doing when tragedy struck, but more importantly, ask what you have done since. One of my favorite athletes once said, "Service to others is the rent you pay for your room here on Earth."

A Legacy of Greatness

I was recently invited to watch a volleyball match here in the Valley. Savannah Hartfield led her team to a hard-fought 2-1 victory on Friday, October 1. I am always thrilled to be a part of any activities involving the children of one of our fallen brothers. We at the LVPPA consider it an honor to be active parts of the lives of these truly fine students and great young people. I was extremely happy to see other Metro employees in attendance to witness this epic clash. I look forward to watching Savannah grow into an athlete, student and young adult. We should all be proud of who she is becoming. **VB**



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COVID Issues

CORRECTIONS OFFICER DANIEL COYNE

Treasurer

This article will focus on an issue that has been coming up and potentially hurting workers' compensation claims and, sadly, line-of-duty death benefits. It was not long ago that LVMPD did everything it could to look out for and take care of our workforce. But when it comes to workers' compensation coverage, if there was a rating, they would probably be near the bottom of agencies across the country. Whether it is a new recruit in the academy, an officer who has a heart or lung issue, or, as we see now, COVID, LVMPD will not help you until forced by a judge. The point of this article is to talk about what you must do when it comes to a potential or actual COVID case, and also what you or your family should not do.

We are continuing to have all kinds of problems with COVID, and most of these problems can be solved with proper documentation. If you come into contact with someone who is sick or you are displaying any COVID symptoms (cough, shortness of breath or difficulty breathing, muscle or body aches, headache, loss of taste or smell, sore throat, congestion, runny nose, nausea, vomiting, diarrhea, fever or chills), make sure you fill out an occupational exposure report every single time.

Sometimes you will have to fill out multiple exposure reports a week, but if you get sick or, God forbid, die from COVID, it could be the difference between your hours being covered by the Department or your death being declared in the line of duty or not. The Department will not automatically cover you. You or your loved ones will have to fight and provide evidence that the exposure happened at work.

Make sure you follow the flow chart that Health and Safety put out for employees who are experiencing symptoms of COVID. This flow chart outlines all the steps you need to take when you become sick. I want to make something very clear to you that you need to be aware of when talking with Health and Safety: If you tell them that you had any of the symptoms listed

We are continuing to have all kinds of problems with COVID, and most of these can be solved with proper documentation.

above and still came to work or didn't follow the flow chart in any way, they will open a statement of complaint against you. The medical information that you are telling them will not be kept private. They will then share the information you report to them with Internal Affairs, and they will use that information to discipline you. I am not telling you to be untruthful. I just want you to be fully aware that your conversation with Health and Safety will not be kept private and can lead to discipline or be used to deny your hours, depending on what you tell them.

Understand this: Health and Safety is *not* your friend! Sure, they will guide you on the process and give you options on what to do, and as long as you come out of the illness OK, there *may* not be any issues. If you have a spouse who speaks to them about your illness, they will use that against you as well. I am not bashing the people in Health and Safety. I personally think they are nice people and decent folks. That said, they work for the Department. The Department is a business, and that business needs to

flourish. The decisions made and information released by Health and Safety are to better the agency and limit their exposure, not help you.

So what do we do? Stop telling Health and Safety everything. That goes for you and anyone in your family. When you call them about being ill, give them the symptoms that are making you ill. You do *not* have to tell them who you have been around or how long you have had these symptoms. The phone call should be brief. If they start to pry, respectfully tell them, "I will call you back, as I need to call my PPA rep." We will join the phone call and stop potentially discipline-related questions from being answered. And if, heaven forbid, you are potentially terminally ill, do not have *anyone* in your family give any information about potential exposure, location or anything related to that. Health and Safety, and the Department, are using that information to distance themselves from needing to cover the employee for workers' compensation benefits. All members need to remember is that they have the right to appeal any denial of a workers' compensation claim under the statute. Do not settle for LVMPD denying your claim. Continue to fight for your benefits.

When it comes to vaccination, all of us at the PPA support your right to choose. We are 100% against forced vaccinations and will fight against them if they go to mandates. However, if you choose to be vaccinated, we want to inform you that you don't have to share your vaccination records with the Department. Sharing that information is completely up to you. The employees who have shared their vaccination records with the Department did so with the belief that they would be kept private, but to everyone's surprise, the Department emailed out lists to every supervisor detailing who has or hasn't been vaccinated. This was a complete violation of our trust and, in my opinion, unethical and immoral.

Certain supervisors on the Department are now using that information as their personal hit list to single out unvaccinated officers, then threatening them to get vaccinated or else they will never be allowed to test for any promotions/specialized units, and telling them that if they don't get vaccinated, they will die. It is up to you if you want to share your vaccination records with the Department, but I will never voluntarily share my medical information with them if they continue to irresponsibly use that information to target, single out or discipline officers. When the Department wants to start doing the right thing and taking care of their employees, then my opinion will change.

I also want to advise you that the Department has an insurance policy on you through The Standard Insurance Company. The PPA also has a life insurance policy with The Standard for our members. If your death is determined to be in the line of duty, The Standard is supposed to pay your beneficiary \$70,000 for the Department's policy and \$30,000 from our policy.

We are now running into an issue with The Standard. They are saying they won't honor the line-of-duty death policies because they do not recognize COVID to be a line-of-duty death, even when the officer caught COVID at work! So far, they have refused to pay our fallen officers' families the agreed-upon benefit. I, for one, have policies with The Standard, and I will be looking to move my personal policies, along with the PPA's policies, to an insurance company that will support law enforcement instead of turning their backs on us in our time of need.

I am saddened that I needed to write this article, especially around the holidays, but our members need to be aware of how their own agency is trying to either discipline or walk away from officers related to these issues. I hope you all have a safe and healthy holiday. **VB**



PPA Creates New Training Area

CHAD LYMAN
Director

Many of you who follow me know that I promote training for officers on a regular basis. As a training provider and consultant to police departments across the nation, I also openly advocate that they should allow members to train regularly at work, on duty. By regularly, I mean several times a week, every week. Metro is better than many departments, but even here, the training is inconsistent in frequency and effectiveness, depending on where you serve.

Due to the fact that training is infrequent at best, those of us who train do so outside of work hours at private locations. The upside of this is that most BJJ/MMA training centers are LEO-friendly, and you establish amazing relationships. But there was a time at the Department when every area command had a weight room and many had good-sized matted areas to train at for squad DTs and those who wished to train. I had several good sessions at the old NEAC in the early 2000s. When detectives decertified, all those spaces went away.

The LVPPA has decided to work diligently to bring back a training space for our members. The vision is a full gym with weights, cardio, matted areas and showers. The current Board is continuing to seek funding and support from valued partners for this vision. However, we don't want to wait, and we have begun by building a matted area in our current HQ on Lake Mead.

This matted training area will be finished in short order, and information will go out regarding its availability and how members can use it. Part of that

plan will be offering training to PPA members from me, valued partners on the Department and the private sector. This area will not be an "open mat." It will be a dedicated resource for PPA members. Look for the room to be finished and details on how it can be utilized to be released soon.

David Vanbuskirk Memorial Grappling Event

The Las Vegas Metropolitan Police Department is filled with talented athletes and coaches who have extensive experience in the private sector. A few of our officers have competed at the highest levels of Brazilian jiu-jitsu and mixed martial arts as athletes and coaches. One local way that officers who train can compete away from the Department is the annual David Vanbuskirk Memorial Grappling Event. Dave was a BJJ black belt under the legendary Sergio Pena when he passed. CO Cresencio Zamora led a large group of students into this year's event from his BJJ team, Las Vegas Jiu-Jitsu. His team, which is nearly entirely made up of LVMPD officers, did great. Below is a short summary provided to me by Cresencio.

On Saturday, October 2, members of LVMPD competed in the 2021 Nevada Police and Fire Games during the memorial grappling tournament. We were told that this was the biggest turnout from a team and department in years. This team was able to earn 14 medals: five gold, four silver and five bronze. Metro officers and staff who came out to support were:

- Correctional Sergeant Samuel Mendoza
 - Correctional SERT Officer Rogelio Mariscal
 - Correctional SERT Officer Nick Trost
 - Correctional SERT Officer Chendall Voris
 - Correctional Officer Cresencio Zamora
 - Correctional Officer Georgina Castaneda
 - Correctional Officer Roman DeCastro
 - Police Officer Rolando Calvillo
 - Police Officer Todd Ellis
 - Police Officer Alexander Gomez
 - Andrea Balogh — Physician Assistant, WellPath
 - Jacqui Button — LCPC, mental health coordinator, WellPath
- Great job, guys! Included is a photo from the event.



If you are a cop in Vegas, the opportunities to find good mats are out there. If you want to train, there is no reason you can't find quality mats to train at. If you are an LVPPA member, the number of quality training mats just went up! Membership has its privileges. **VB**

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It's Been a Great Ride

DETECTIVE BRIAN GRAMMAS

Director

"I would like to introduce myself to the members of the LVPPA. My name is Brian Grammas and I am the newest member of the Executive Board for the LVPPA. I started the Police Academy in August 1996. After finishing field training, I worked two years on Graveyard in William Area, then moved to Swing shift and became an FTO working Victor/Xray for one year. I transferred to the Police Academy and worked as a TAC officer for two years. In January 2003, I transferred to the Narcotics Bureau. After 15 years in Narcotics, I was appointed to the LVPPA Executive Board in December 2017 as secretary."

This is how the start of my first article went. It has been four years since I wrote those words, and after working for the members of the PPA as an Executive Board member, I can honestly say it has been an eye-opening yet fulfilling experience. I will be retiring from the LVMPD in December 2021. After 25 years working for not only Metro, but also the LVPPA, I can say it has been a great ride. As I, Brian Grammas (inside joke), write this article, I think about everything I have been through. I have had the opportunity to work with some of the best officers around. I have had some

great times and have lost a few friends along the way. All in all, I feel I have served this community well and have had a small impact on making these streets a little safer.

There are a few things I would like to say to the members. First, don't get stuck in a rut; try new things. What I mean is don't get comfortable where you're at. Patrol is the backbone of this agency, but there are so many other specialized assignments out there, you should try out different assignments. I spent 15 years in Narcotics, and when I tested for sergeant I didn't give it my all because P# 10025 I was comfortable where I was. For those officers who want to become sergeants, having a well-rounded career will only make you better when supervising troops. Knowing how to do search warrants or investigations, you can impart your knowledge to new officers and help make them better.

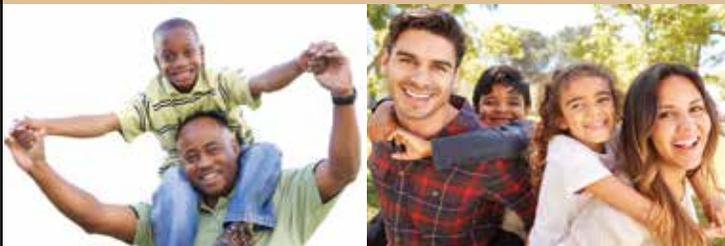
Second, don't become disgruntled. This agency is not perfect, but in my opinion, we are one of the best police departments in the country. As I wind down my career, I have had many conversations with other soon-to-be-retired officers regarding retirement parties. It's very sad to see officers become so upset that they say the old "I don't want anything from this place but my creds and a check." I think to myself, how are you so upset that you wouldn't want to celebrate working 20-plus years as a police officer and have friends and family honor you? Not every officer gets to retire. Some are terminated, some leave early for a different career and some make the ultimate sacrifice. As for me, I am happy that I chose this profession. I am glad I was a part of Metro for 25 years. And I am looking forward to the next chapter in my life. So please be safe out there, and enjoy the career you have, because it will fly by and you will be having that retirement party of your own. **VB**



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Dr. Hastings is an Army veteran and has been a resident of Las Vegas since 2003. He is a father of three.



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EDITORIAL POLICY

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

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STAR De-escalation and Driving Code 3

OFFICER JOHN ABEL
Secretary

An issue was brought to the LVPPA's attention by officers who have passed patrol sergeants not driving Code 3 to STAR de-escalation calls for service as the officers themselves were driving Code 3 to the same STAR call for service. It appears that LVMPD trains sergeants to not drive Code 3 to STAR calls so that they can focus on pre-planning, de-escalation and reading call updates as they are en route to the STAR call. Patrol officers are held to the same pre-planning and de-escalation policy but are also expected to drive Code 3 to the STAR call. This perplexed me, because I have seen officers have negative CIRT conclusions in a Use of Force Review Board for not properly pre-planning before they arrived at an event and ended up using deadly force. Any officer who has driven Code 3 understands that it can be a multitasking monster depending on experience, the time of day and the call you are driving to. Then P# 2261 add pre-planning and it becomes that much more difficult.

This caused me to dissect the Code 3 driving policy to see what it says: "Code 3 Response — Officers may respond Code 3 when: 1. Imminent danger to citizens and the officer's arrival might save lives. 2. Another officer

requires assistance to control a volatile situation. 3. Reliable information exists of a felony in progress. 4. Pursuits — see Section 3."

If you notice, policy says that you *may* respond Code 3. Any officer who has read policy should understand that when it uses words like *may*, that does not dictate something that is mandatory that an officer *must* do. I understand that as police officers, we signed up to help people and save lives. Sometimes doing these things requires us to drive Code 3, so we arrive quickly and take action. In my opinion, if you see a supervisor not rolling Code 3 to a STAR de-escalation call, you should deactivate your lights and sirens, fall in behind the supervisor and follow them to the STAR call, since their response to the call is mandatory by policy. Any de-escalation plan enacted is going to rely on the supervisor's leadership on scene, so by following a supervisor you can be sure that you will be in the proper place at the proper time to take necessary lifesaving action if it becomes necessary. Following the supervisor to the STAR call will also allow you to slow the momentum and properly pre-plan for the call, just in case you end up using deadly force and are subjected to a CIRT investigation.

If, after you read this article, this topic is brought up in the briefing room or on training days, please feel free to call me with any issues that may arise out of the conversations you may have with your supervisor. **VB**

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DAVID ROGER
General Counsel

The Wind of Change at LVMPD

In 1960, British Prime Minister Harold Macmillan addressed the Parliament of South Africa. His speech was later referred to as the “Wind of Change.” Macmillan told the Parliament, “The wind of change is blowing through this continent. Whether we like it or not, this growth of consciousness is a political fact.” The wind of change is very apparent at LVMPD when it comes to use-of-force investigations.

Attorney General Investigators Are in the Shadows

Attorney General Ford has jurisdiction to prosecute officers for violating criminal laws. Recently, AG Ford sent his investigators to follow FIT detectives who responded to a SWAT shooting. In addition to the investigators, Use of Force Board members were summoned to the crime scene as well.

It is important that you limit your conversations so that an offhand comment is not heard by these observers and misconstrued. The PPA OIS legal team and the callout bus will respond as quickly as possible. Please do not talk to anybody until you are able to meet with your lawyer.

LAPD and NYPD Officers Invoke Their Rights — So Should You

As we have discussed in the past, it is our opinion and advice that you should decline to give a voluntary statement to FIT investigations. While it is hard to accept, a subject officer is a criminal suspect in the view of prosecutors, whether it is the DA, AG or Department of Justice prosecutor. For decades, LAPD and NYPD officers have P# 6239 followed their lawyers’ advice and refused to provide investigators with voluntary statements. Gary Ingemunson is a retired LAPD officer and has been their association’s lawyer for years. The following is an excerpt from an article he published in response to a new law that allows California AGs to investigate critical incidents.

L.A. Police Protective League Reminds Officers to Invoke Their Rights

In the September edition of the LAPPL *Thin Blue Line* magazine, Gary Ingemunson offered the following advice in his column “Warning Bells.” The article has been edited for brevity.

“Are you required to give a voluntary statement? No. There are several reasons to stay with the protocol that we have had in place for decades of being compelled.

“First, anytime you use deadly force, you are in danger of a criminal filing. The possible crimes go far above just a consideration of whether the use of force was justified. Was the

stop or property entry legal? (Federal crime) Were you justified in drawing your weapon? (Brandishing) Were all your shots proper? (Several instances where the final shot was considered out of policy-ADW) It goes on and on.

“Second, at the time of the shooting you will be required to go into an extensive interview. Science says that you need two sleep cycles for your memory to properly process a stressful event. There is an increased likelihood that you will make a mistake. That mistake can be used against you in court.

“Third, the chief needs to know what happened right away, not days later like some departments that delay the interview. The tradeoff is that the chief can use the statements to decide if the shooting was proper and you are protected from the statement being used against you in a criminal proceeding. If the shooting was bad, the chief can bench you, or even terminate you, using the statements if protection of the community is needed.

It is our opinion and advice that you should decline to give a voluntary statement to FIT investigations. While it is hard to accept, a subject officer is a criminal suspect in the view of prosecutors.

“Fourth, you are likely to be sued. State law protects your statement under most circumstances from being used in a civil proceeding against you without review and decision by a judge.

“Fifth, FID will put you through an extensive compelled interview following the shooting. The AG investigators will not attend that interview (although it is perfectly legal for them to do so) because they cannot use the statements against you in their criminal investigation. That would require them to put you through another extensive voluntary interview. No attorney would allow multiple interviews on the same subject. Minor inconsistencies can be blown up into credibility issues in court. Also, all interviews will eventually be released under AB 1421 and those with a political agenda will likely do line by line comparisons to find things that can be amplified to put you in the worst light possible to further their political agendas.

“Sixth, under the Penal Code, the Attorney General has legal access to your statement. If they have questions as to what happened, it is readily available to them. You are not concealing any facts. If they refuse to look, that would be their decision, not yours. Prosecutors often construct clean teams when there is a need to do so and there is no reason the AG cannot do the same. If any issues arise over this

with the AG, you will subsequently be referred to a League Panel Attorney with extensive criminal defense experience for representation and advice.”

Conclusion

As a former FIT sergeant told officers during area command briefings, when you are involved in a critical incident, “You are presumed guilty until proven innocent.” He intended to emphasize that officers are not entitled to the same presumption of innocence afforded every criminal suspect.

Remember, when you are involved in a critical incident, your first phone call should be to the PPA’s 24-hour callout number, (702) 600-3127. After you answer the public safety questions, don’t say a single word about the incident to anybody. Help will be on the way. If you are not the shooter, remember to watch out for your fellow officers, as the stress of the situation may inhibit clear thinking. The wind of change at LVMPD is a cold north wind — be careful. **VB**

CONGRATULATIONS

to the contest winners from the last issue!

September/October

Hidden Symbol Contest (\$250)

Ione Reed, P# 8037

P# Contest (\$50)

William Hutchings, P# 16390



CALENDAR

- November 7 Daylight Saving Time Ends
- November 11 Veterans Day
- November 21 LVPPA Santa Day
- November 25 Thanksgiving Day
- December 2 General Membership Meeting*
- December 24 Christmas Eve
- December 25 Christmas Day
- December 31 New Year’s Eve
- January 1 New Year’s Day

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



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A TRIBUTE to TOP COPS

Ten members of the LVMPD were honored with 2021 Top Cops Awards from the National Association of Police Organizations (NAPO) at a ceremony in Washington, D.C., on October 15.

Captain Dori Koren, Sergeant Erik Perkett, Detective Aaron Denson, and Officers Logan Jex, TJ Keller, Keaton Courtley, Carl Loskill, Kyle Quimiro and Shay Mikalonis were recognized for their courage on the night of June 1, 2020, when Officer Mikalonis was shot in the neck and critically wounded during a protest. With one of their own down, officers rushed to Mikalonis' aid, putting his life ahead of their own as they tried to determine where the shots had come from and wondering if they were under attack from a possible sniper. The officers also made sure the protesters, many of them hostile, were safe as well.

Officer Mikalonis survived and returned home after months in a rehabilitation clinic, but may remain paralyzed below the neck for the

rest of his life. Knowing how devastating the emotional and financial effects have been for the Mikalonis family, **Lieutenant Erik Lloyd**, director of the LVMPD's Injured Police Officers Fund, led the charge to raise a significant amount of money to assist them. Unfortunately, less than two months later, tragedy struck the LVMPD once again when he contracted COVID-19 and passed away on July 29, 2020. For his tireless work in raising funds to help the Mikalonis family and other families, Lloyd was recognized as a Top Cop along with Mikalonis and the brave LVMPD officers who responded to his side that night.

Officer Mikalonis' stepfather, retired Deputy Chief Patrick Neville, accepted the award on his behalf. Lieutenant Lloyd was represented at the ceremony by his wife, Minddie.

LVPPA salutes all the awardees for their dedication and selflessness in the face of danger and tragedy. Thank you for once again showing the nation what it means to be Vegas Strong. **VB**



NAP/Jennifer Morris Photography

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8/2/21	Charles E. Yannis	P# 6024	PO II	23 years
8/14/21	Sonja M. Wortham	P# 7964	CO II	18 years
8/20/21	Cayl J. Lykins	P# 13144	PO II	13 years
8/22/21	Donny J. Molnar	P# 7364	CO II	20 years
8/27/21	Carol D. Jones	P# 7373	CO II	20 years
8/28/21	James P. Wellcome	P# 7084	PO II	20 years
9/1/21	Rose M. Cervantes	P# 12859	CO II	13 years
9/3/21	Sean W. Beck	P# 6275	PO II	22 years
9/3/21	Richard M. Nelson Jr.	P# 14002	PO II	12 years
9/7/21	Paul R. Slaninka	P# 5282	PO II	25 years
9/10/21	Waldemar S. Lukowski	P# 4659	PO II	27 years
9/29/21	Alan R. Underwood	P# 6200	PO II	22 years



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Giveaway #2: Five **\$50** prizes

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