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VOLUME 17 | ISSUE 3

May/June 2022

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

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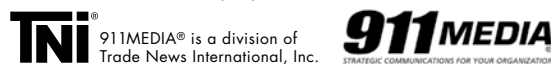
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The Las Vegas Police Protective Association is affiliated with the following organizations at the state and national level:

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

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

**UCOPS** – The United Coalition of Public Safety





# President's Message

**DETECTIVE STEVE GRAMMAS, PRESIDENT**

## Police Versus Fire Charity Football Game

On May 7 at 7 p.m., members of the Las Vegas Metropolitan Police Department will play a charity tackle football game against fellow first responders from the Professional Firefighters of Nevada. This game used to be played back in the late '70s and early '80s. All the games were very competitive, but over time, the game fell by the wayside and was no longer played. We have been told that one of the reasons the game was played was to help raise money to buy medical equipment for UMC. This was noted as one of the worthiest fundraising efforts between police officers and firefighters in Nevada.

After many years have passed since the last game was played, the PPA and PFFN have gotten together to bring this amazing game back to the city of Las Vegas. Both teams are playing for their respective charities. The winner of the game gets a 60% share of proceeds raised, while the loser will get 40% (better known as fire's cut). We are also playing for the Children's Heart Foundation. This group has been a major contributor in helping children who have heart ailments or defects go on to lead great lives. Through P# 12897 this process, I have been fortunate enough to learn that we have several officers on our agency whose children have taken part in the treatments from the Children's Heart Foundation.

The LVMPD team is composed of some extremely talented people. Experience ranges from NFL to semi-pro, arena, Division I college, Division II college and

high school football. I have had the privilege of watching our team practice, and it is no wonder that all the oddsmakers have made our team a 35-point favorite to win this game.

## The PPA and PFFN have gotten together to bring this amazing game back.

The goal for the game is to raise money for our charities and have an amazing time at the event, coupled with some very good football. To get involved, go to [LVPPA.com](http://LVPPA.com) and purchase tickets. We want to pack the stands at Bonanza High School for this game and bring awareness to our charities. We also have a 50/50 cash raffle, which will take place at halftime (winner need not be present). We will be selling commemorative T-shirts for the game as well. Bonanza High School will be selling great food for concessions, and we will even have a shaved ice/Dole Whip station. The first thousand people to attend will be given a commemorative item to remember this amazing event. **VB**

# POLICE VS FIRE



## CHARITY TACKLE FOOTBALL GAME



### SATURDAY

May 7 | 7 p.m.

Bonanza High School - 6665 Del Rey Ave.





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# Don't Say a Word!

## CORRECTIONS OFFICER SCOTT NICHOLAS

Vice President

Anything you say can and will be used against you, not for you!

I'm sure most of you remember lying to your parents as a child and getting away with it once or twice, but then the truth eventually came out and the punishment ended up being far worse.

One of the worst things you can do when talking to your supervisors is lie, so don't lie to try and cover up a minor situation, because it elevates you to a major suspension or even termination if you get caught. Don't say a word — instead, call us!

Most of these situations could be avoided if you slow down and request a rep, even if it's a simple call from your sergeant asking you why you weren't home when they did a welfare check. Don't answer them until you have been admonished and have been given your 48-hour notice to be interviewed. This gives you time to meet with your rep and discuss your case prior to making any statements that could lead to discipline.

I'll get to my point: For years now, we have asked our members to call us when you think trouble may be coming your way. Don't hesitate to call a rep and discuss the situation.

The same goes for criminal intel or criminal IA detectives; they don't hang

out at the area commands or CCDC because they are bored or just wanted to stop in and say hello. When you see these detectives in the building, you should already be asking yourself, "Why are they here?"

If for any reason one of these detectives asks to speak to you, tell them no! Tell them you would like to call the PPA or your attorney. Don't be disrespectful, just ask them for the time to get representation before saying anything. Remember, these detectives are investigating criminal cases, not internal cases. So unless you have someone with you to advise you of your rights, don't say a word.

You will probably hear them say, "I just wanted to get your side, so we can clear you." Don't say a word! You will hopefully get the "You are free to walk away." Do it! If they don't say it, ask them if you are free to leave. If they say yes, then walk away. Walk away and call us ASAP, at any time of the day or night, and don't say a word. You might even hear this one: "I'm one of you." Still, don't say a word.

I know most of us feel like we can talk our way out of anything, or we can give the detectives our version of the story that will suffice for the time being, but once you open your mouth, you are married to the story you tell them. Without someone helping you, these statements could not only get you fired, they could land you in prison.

Remember, not talking to them isn't an admission of guilt — it's a layer of protection from not having your own words used against you. Keep in mind, there is a strong possibility that these detectives are covertly recording you, in anticipation of you speaking to them or making a comment that they can use in their investigation, so lawyer up and call us. You have a right to remain silent, so exercise that right.

Oh, and by the way, don't give up your personal phones or any other personal devices without being given a search warrant for specifically what they are looking for. It's your right to demand to know that they have a legal right to your device. Remember, the warrant must outline what the officers are allowed to access on your phone, so why give it to them voluntarily?

All of this advice goes for any conversations your chain of command might want to have with you. However, *Weingarten* gives you the right to representation when you feel discipline might result from having a conversation with someone in your chain. Supervisors have the right to bring you into their office and talk to you, but once you feel that conversation turns into an interrogation, you need to demand representation and stop talking. If your supervisor says no SOC will be filed based on the results of your conversation, then document the date and time of that conversation, so you will be able to show the NRS 289 violation.

What are *Weingarten* rights? Employees do not have to be alone when they are questioned by an employer in a situation that might result in discipline. An employee's right to representation in investigatory or pre-disciplinary meetings was established in a 1975 United States Supreme Court decision, *NLRB v. Weingarten, Inc.*

When do employees have a right to representation under *Weingarten*? If you have a reasonable belief that the answers you give might result in your being disciplined, you have a right to union representation during the meeting. Employees are entitled to *Weingarten* rights in the following situations:

- "Investigatory interviews," in which the supervisor is seeking to elicit facts, to have the employee explain their conduct, to discover the employee's "side of the story" or to obtain admissions or other evidence
- A supervisor's request for a written statement or written answers to interrogatories about an incident or accident in which the employee's own conduct may be at issue
- A meeting or discussion in which the employer either has not yet decided whether to impose discipline or is seeking information to support that decision **VB**

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# National Police Week 2022

## POLICE OFFICER BRYAN YANT

Sergeant-at-Arms

As May rapidly approaches, it is time to look forward to Memorial Day weekend, summer breaks, vacations with the family and the Fourth of July. However, before we get there, we must always honor our fallen officers. We vow to never forget them and strive to continue to serve our community in their honor. To date this year, 92 officers have died in the line of duty. Last year, 602 officers died in the line of duty.

In 1962, President Kennedy proclaimed May 15 as National Peace Officers Memorial Day and the calendar week in which May 15 falls as National Police Week. Established by a joint resolution of Congress in 1962, National Police Week pays special recognition to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others. Each year in Washington, D.C., thousands of officers from across our great nation attend memorial services in honor of our fallen brothers and sisters. This year, National Police Week begins on May 11 and ends on May 15. The scheduled events include:

### May 11, 2022

- National Police K9 Memorial Service

### May 11 and 12, 2022

- C.O.P.S. Survivors Arrivals

### May 12, 2022

- Police Unity Tour Ride-In and Ceremony
- Memorial Tribute Concert
- Honor Guard Appreciation Reception (invitation only)
- Washington Nationals Law Enforcement Appreciation Day, 1:05 p.m.
- National Association of Police Organizations (NAPO) Top Cops Dinner and Awards

### May 13, 2022

- Candlelight Vigil

### May 13-15, 2022

- Police Week Tent City

### May 14, 2022

- C.O.P.S. Conference and Gala
- FOP Honor Guard Team Competition



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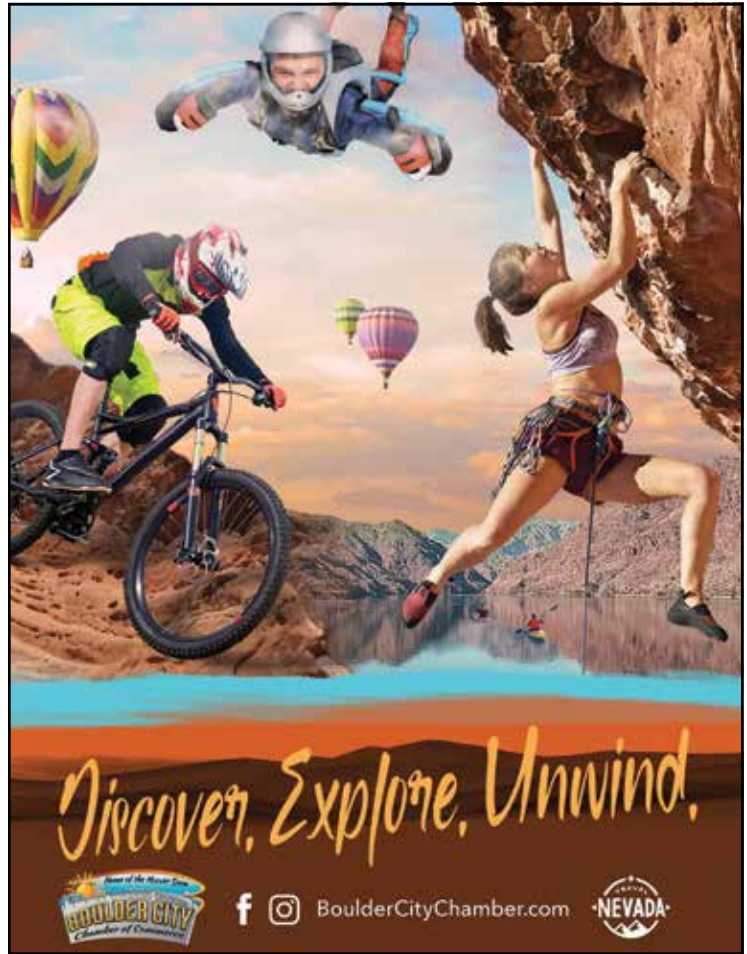
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- The 28th Annual Memorial March and Service, organized by the National Conference of Law Enforcement Emerald Societies (NCLEES)
- Washington Nationals Law Enforcement Appreciation Day, 7:05 p.m.

**May 15, 2022**

- National Peace Officers Memorial
- Wreath Laying and Stand Watch for the Fallen
- Washington Nationals Law Enforcement Appreciation Day, 1:35 p.m.

This year, members of the Executive Board, Board of Directors and two members who had attended general membership meetings will be attending National Police Week. Steve Grammas and Dan Coyne will be hosting a special podcast episode from the National Law Enforcement Officers Memorial. We will also livestream on our Facebook page from the National Association of Police Organizations (NAPO) Top Cops Dinner and Awards, where several of our members will be recognized for their bravery and heroism. We look forward to sharing videos and pictures with you from several of the moving events that celebrate and remember our fallen. **VB**



**CONGRATULATIONS**  
*to the contest winners from the last issue!*

**March/April**

<p><b>Hidden Symbol Contest (\$250)</b> James Tam, P# 13417</p>	<p><b>P# Contest (\$50)</b> Craig Garnette, P# 16044 Melissa Krohm, P# 15617 Michael Smith, P# 7209 Chris Young, P# 15462</p>
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# What Makes a Great Leader

## CORRECTIONS OFFICER MYRON HAMM

Director of Corrections

I have had the pleasure of working with some outstanding officers in my tenure with the LVMPD. I am very proud when I see an officer move into the ranks of supervision. I have dealt with some really fine supervisors, and I truly believe that some have the best interest of their troops at heart. I have had the pleasure of watching officers go from troop to supervisor, and in some cases it has been an easy transition. Even back to my military days, I always felt that the best supervisors are those who learned through experience and have a vast knowledge of all areas in their chosen career path.

Unfortunately, not all those people who are promoted have a clue or are ready to lead by example. I was once told by a group of officers that a soon-to-be-promoted individual walked into their work area and stated, "When I am promoted next week, I won't have to do this stuff anymore." Imagine what the officers felt, hearing those words. It is no mystery that some of these people who are promoted do so to avoid learning what it takes to perform their craft properly. Let's be serious: There are some people who have been promoted and have never pushed a black-and-white (or at least pushed it well); there are people who have been promoted who have never worked

a module, been in a fight or been the subject of a bunch of lies. But it's funny that those people are the main ones telling you how your job should be accomplished. I have always believed that the people getting the most complaints filed against them are the ones who are truly on the front line.

So what is the solution? I have seen supervisors yell at, demean and bully employees, but if the same employee does this to an inmate, then they can expect an SOC. I don't mind telling you that I have seen lousy supervisors on both sides of the fence. I have seen lousy Corrections and Patrol supervisors; I have seen supervisors who cannot make a decision and are quick to lay the blame at the feet of a line officer. Unfortunately, the truly lousy ones seem to get promoted higher and higher. Every supervisor's goal should be to foster a great relationship with their subordinates. But we know that some of these so-called leaders are only interested in their own agenda. I hear a lot of supervisors state that they are holding our feet to the fire. I find that statement to be funny, because who holds their feet to the fire? Supervisors are rarely disciplined to the same level as officers, and there have been instances when it is warranted, but I guess if you are the keeper of the flame, no one gets to hold your feet to the fire.

I am not bashing all supervisors, because there are some truly good ones. Unfortunately, the bad ones do not want to hear that they could be wrong about something, because if you have made it all the way to captain, you can't possibly be wrong about anything. I have no problem writing about what I feel is an P# 17540 injustice toward our line officers. As a supervisor, ask yourself how your people truly feel about you. If you don't care, then that's all I need to know about your lack of character. Just remember, stripes, bars and stars don't make you liked or a great leader — what makes a great leader is caring about your people and listening to what their concerns are. As a wise man once said, "I don't complain to hear myself talk; I complain hoping my leader will listen." **VB**

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12/31/21	Peter J. Bicsanszky	P# 6012	PO II	23 years
2/2/22	Kenneth Kramer	P# 5381	CO II	25 years
2/10/22	Kerry H. Ruesch	P# 8294	PO II	17 years
2/24/22	Christina M. Pettit	P# 13001	PO II	14 years
3/15/22	Domingo Lucero Jr.	P# 5477	PO II	25 years
3/23/22	David J. Martel	P# 5816	PO II	24 years
3/30/22	Brian R. Mildebrandt	P# 5449	PO II	25 years

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# Six Seconds

## OFFICER GREG STINNETT

Secretary

A Las Vegas native who grew up in the Northeast Area Command. A child of blue-collar, working-class parents. A veteran who served in the United States Marine Corps, including postings as a military police officer, completing deployments in Iraq and Kuwait — who also served in the prestigious HMX1, the Marine Corps helicopter squadron responsible for the transportation of the president and vice president of the United States, heads of state and other government officials. A college graduate who received a Bachelor of Science degree in criminal justice and criminal justice administration, and is currently in the process of attaining a master's degree in criminal justice.

If the words “hire this guy” came to mind, we are on the same frequency. And he was hired by Las Vegas Metro in July 2017. That guy is Vidal Contreras. Vidal is a great example of the Department hiring someone who reflects our community: a young man raised by hardworking parents in a modest neighborhood who did everything they could to ensure Vidal and his siblings had every opportunity to become educated and succeed in life.

Vidal graduated from the police academy, worked in the Spring Valley Area Command, Downtown Area Command and Northwest Area Command, and was finally assigned to the Northeast Area Command. It was not dumb luck that he found himself in Northeast. It was his home. It was where he grew up. It was where he wanted to make a difference, a place where he could make a positive impact on a person's life who may have been on the fence. In short, Vidal asked to be assigned to an area command that is without question one of the most active and challenging areas to be a street cop.

Undeniably, Vidal made a positive impact on one person's life. He and his partner saved the life of a 2-year-old who had drowned in a backyard pool. Vidal and his partner literally breathed life back into a dying human being as they were the first to arrive on that nightmare of a call for service.

Vidal was described by one of his supervisors as someone who was always willing to learn, who was a great officer and had no discipline.

So where is Vidal today? He is no longer a police officer. He is no longer a member of Las Vegas Metro. He was kicked out of the “Metro family.”

On March 1, 2021, Vidal was in an officer-involved shooting. Vidal shot a suicidal man who was armed with an edged weapon and advancing on his position. The events that transpired within those six seconds were life-changing. Vidal participated in a contentious CIRT interview. He attended the mandatory Tactical Review Board and the Use of Force Review Board.

For those unfamiliar with the process, the Use of Force Review Board consists of seven voting members: three commissioned officers and four civilians. The board will listen to the presentation by the CIRT case agent, and each member will vote. Their options are:

**A. Administrative Approval:** Objectively reasonable force was used under the circumstances based on the information available to the officer at the time. This finding acknowledges that the use of force was justified and within Department policy.

**B. Tactics/Decision-Making:** This finding considers, under the circumstances, objectively reasonable force was used based on the information available to the Department member at the time. However, it acknowledges even though the use of deadly force was within policy, the actions of the Department member worked to limit alternatives that may have otherwise been available to them. A different approach or overall response by a Department member may have lessened the need

for them to employ deadly force and potentially changed the outcome of the incident.

**C. Policy/Training Failure:** A deadly force was undesirable but did not stem from a violation of policy or failure to follow current training protocols. A Department policy and/or specific training protocol is inadequate, ineffective or deficient; the Department member followed existing policy and/or training; or there is no existing policy and/or training protocol that addresses the action taken or performance demonstrated (e.g., global policy or training deficiencies).

**D. Administrative Disapproval:** The UFRB concludes through this finding that the force used was a violation of Department policy. This outcome is reserved for the most serious failures in adherence to policy, decision-making and performance (i.e., a violation of the use-of-force policy).

In this case, four of the seven members voted for Administrative Disapproval. Of the four members who cast this vote, three were civilians and one was a deputy chief. The remaining three members of the board voted for Tactics/Decision-Making. That three-person voting bloc consisted of a police captain, a police officer and one civilian.

An assistant sheriff recommended termination based on Disciplinary Decision Guide Category G. The assistant sheriff recommended that the presumptive discipline of a major suspension be aggravated to termination. What is Category G, you ask? It is “Conduct unbecoming an employee,” defined as: “Any act or omission of such an egregious nature that the employee is rendered ineffective in his position and/or the act or omission would tend to bring the Department into public discredit.”

The purpose of this article is not to debate the Department's position versus the Association's position. Those positions are clear and have been since Vidal's participation in this process. The purpose of this article is to enlighten the men and women who are pushing a black-and-white every day, the ones who hang their asses on the line from the time they roll out of the station at the beginning of their shift until the time they pull back in the gate at the end of the morning, day or night. And to remind the members of Executive Staff that they have not done your job in many years.

To the street cops: You undoubtedly have the hardest job on this Department. Over the last couple of years, you have been maligned and reimagined. You have been told you are the problem. I would argue the men and women who work in the capacity of a street cop are scrutinized more than any other professional in today's workforce. You are expected to have rational conversations with irrational people. You are expected to de-escalate a person who is mentally unstable, homicidal, suicidal or all of the above at the same time. You are expected to interact with citizens who are altered by alcohol and/or drugs and do so without hurting anyone's feelings or appearing too aggressive. You are expected to do all those things while a camera strapped to your body records every second of your interaction.

Unfortunately, some of the split-second decisions street cops make in the heat of the moment are no longer judged or evaluated by a reasonable officer standard; they are judged by optics. Police administrators now have the luxury of being able to sit at a desk in a sterile environment and watch how you handled a dynamic incident. They can do so while enjoying a cup of coffee, with no fear of being injured or killed. They can sit in an office with their peers and discuss where you stood, what you said, how you said it, what you did, what you didn't do, what you should have done, how you sounded and the list goes on and on. They have the

*Continued on page 14*

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## SIX SECONDS

Continued from page 12

ability to click a button on a mouse and replay it over and over until it's clear in their minds. They can hit the pause button, refill the coffee cup, maybe use the restroom and replay it all over again. If they don't like it or are not sure how they feel about it, they can turn it off, walk away and watch it again later.

It's a luxury you do not have. The safe space of their office is devoid of the personal angst you feel when you believe you are about to be seriously injured or killed. It does not measure how the brain's central nervous system responds to stress, fear, anger, increased heart rate, cardio output and increased blood pressure. The camera does not capture the tunnel vision or the auditory exclusion a cop experiences at that critical moment. The camera can never quantify the internal clock in your brain ticking away, screaming at you, telling you that lag time is working against you.

Optics: How will this look to the public? It seems to me the optics of what you do play a greater role in how your incident will be judged than ever before. It is armchair quarterbacking at the highest level. And the stakes are high. The stakes are your career. Your good name. Your ability to ever work in this profession again, and most likely your ability to ever get a decent job again after your resume reads that you have been fired as a police officer.

In Vidal's case, he responded to this call Code 3. He was the only person in the black-and-white and, according to the Department, violated the driving policy. During his response to the call, Vidal yelled at other cars to get out of the way and at one point yelled out or called another driver a "dumbass." Keep in mind, there was no one else inside his patrol car, and there was no possible way anyone could hear his commentary outside the patrol car. Certainly, the driver who failed to yield to the emergency vehicle did not hear him.

During his CIRT interview, Vidal was specifically questioned about his driving and asked to account for the perceived policy violations. He was also questioned about the comments he made while he was driving. During the Pre-Termination Board, the assistant sheriff concluded that Vidal demonstrated poor emotional control and decision-making, beginning with his Code 3 response all the way

through his contact with the suspect. During Vidal's arbitration process, the arbitrator opined, "The March 1 incident ended tragically, yet it also began poorly. While driving to the scene, Officer Contreras was yelling at other cars to get out of the way and called one of the drivers a 'dumbass.' He went through one red light without stopping or slowing down, and at one point crossed over two lanes of oncoming traffic before making a left turn. He admitted at the Pretermination Hearing and during the arbitration hearing that he was amped up. At the arbitration hearing he said he was having an adrenaline rush. Although his driving was in violation of Department policy, the more important point is that he was not operating from a professionally cool point of departure. It is highly likely that his emotions were impaired and that this had a negative effect on the decisions he made. Being amped up is not a good way to begin a contact with a suicidal person armed with a knife."

First off, please, never enter an intersection on a red traffic signal and fail to clear it properly. Having said that, show me an officer who has rolled code on a priority zero call for service and has not yelled at a car to get out of the way. Please introduce me to the officer who has rolled code and has never been "amped up" or had an "adrenaline rush." I'll wait. I don't expect an arbitrator to understand this — he is not a cop and probably has no idea how to even turn the lights and sirens on — but I absolutely expect the administration to get it.

So please remember, the next time you hear your partner yell for help on the radio or catch that priority zero call for service, before you flip the switch activating your lights and sirens, don't forget to turn on a Tony Robbins podcast or maybe even stream some Bob Ross while he creates beautiful artwork; that way, you will be operating from a "professionally cool point of departure." Sounds ridiculous, doesn't it? But remember this: What you say on an activated body-worn camera while you are driving code to a dynamic event will be used against you if there is not a desired outcome. Even if you are in a patrol car alone and in an environment where no one else can hear you, the Department will label you as being out of control.

To the Executive Staff: You are out of touch with street cops. This is not meant as an insult, so indulge me. It is unlikely you have ever worked as a street cop wearing a body-worn camera. It is unlikely anyone has ever scrutinized your

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policing abilities from the comfort of that office I described earlier. It is unlikely the critical incidents you were involved in, if any, were ever memorialized on body-worn camera. It is unlikely you have ever responded to a STAR Protocol event. It is unlikely you can power on the MCT, let alone operate it. It is unlikely you have ever participated in reality-based training scenarios.

Some time ago, I observed a trend where supervisors labeled themselves as “leaders.” Every email, briefing line and conversation included the word “leadership.” You changed how you view or identify yourselves, but you did not change how you are viewed or identified by your troops. When was the last time you removed the rank from your collar and jumped in a car with a random officer for a shift? When was the last time you tried to operate an MCT, trying to read a dynamic event as the page keeps resetting every time a call-taker or dispatcher updates it, making it damn near impossible to understand what is happening? When was the last time you dealt with a “No” person who you had to put your hands on while on body-worn camera? When was the last time you walked into a briefing room and sat down with the troops?

My point is, being a street cop is a perishable skill. It's not enough to say, “I've done it before, so I know how it should be done now.” The reality is that if you were to strap on a body-worn camera, find someone to log you on to the MCT and roll out the gates, you would probably be marginal at best. In full disclosure, so would I. I believe the men and women who are out there right now shagging calls are doing a job that neither you nor I know how to do. I spent the majority of my career in uniform. Having said that, the last P# 00701 time I logged on and answered calls for service was in 2016. When was the last time you did? The job has changed tenfold since then.

Lastly, in fairness, I have tried to view Vidal's six seconds from every aspect possible. Today, with 18 years on, I would probably have done a few things differently on that event. Obviously, knowing how the event ended makes it much easier to say that. That goes back to the armchair quarterbacking I talked about earlier. I think back to how I operated as a street cop with three or four years on, and I can honestly tell you that I could have been Vidal more times than I can count. Those six seconds could have easily been my six seconds.

Vidal's scenario can go either way, and at the end of the day the suspect has a say in the matter — they always do. I wonder now, if you were to ask the suspect in this event, if he ever imagined this scenario playing out this way: him being suicidal and wanting a cop to kill him, then being shot and surviving, only to have the cop who responded be terminated. The irony in this is incredible.

I remember being told hundreds of times throughout my patrol career to “make a decision.” Make your decision and stick to it. And if you are operating with a good heart and doing the best you can, it will turn out OK in the end. We (the Department) will help you get through it. I'm afraid that no longer applies.

What I see now is untenable. During Vidal's arbitration, I watched his peers and supervisors stand up to defend his character. To a man, they described him as a good street cop who cares about his community. Vidal made a decision on March 1, 2021, and he did so without malice in his heart. And, in the end, it did *not* turn out OK for him. Vidal was eviscerated by the process. Our Department did not believe he was worthy of wearing a badge or continuing to serve our community.

Is this the standard now? I know that throughout my career I have seen more than a few employees remain on this Department who without question had brought the Department into public discredit by actions they knew to be morally and criminally wrong while they were doing it. If they were capable of being re-assimilated back into this Department, Vidal sure as hell was.

I do not know what the next chapter holds for Vidal Contreras. I do know that I am disgusted by the way this process played out for him. It's embarrassing. Vidal earned the respect of his peers and supervisors, who had the guts to stand up and defend him when it wasn't very popular to do so. Vidal made an incredible impact on one family when he breathed life into their dead kid. It may not matter to the Department, but I promise you, it matters to them.

Finally, to the street cops out there, please stay safe. Watch out for one another. Come home safe at the end of your shift. If you know Vidal, reach out to him. If by chance you ever see a member of Executive Staff in your briefing, ask them to take the rank off their collar and jump in your sled. Show them what it is you deal with on a day-to-day basis. To the Executive Staff, get out of your office and meet your troops. Talk to them face to face. Show them you are more than a picture on an organizational chart. Listen to them. Leadership is more than a catchphrase or a self-imposed title. **VB**

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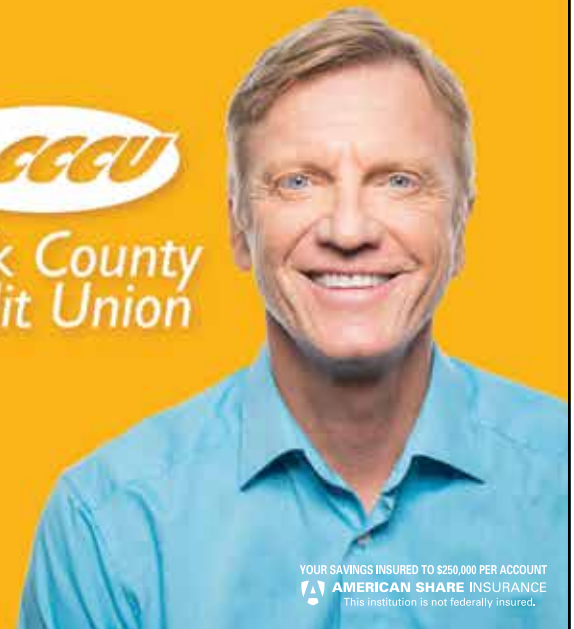
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# Life Is Short — Focus on What’s Important

**OFFICER CHAD LYMAN**  
Director

I went to my first police academy in 1998. I loved the job. I never felt more alive than in patrol, or when rolling with my guys on some of the specialty teams I have been blessed to serve on. I joined the job to deal with bad guys — to stand up to those who prey on society, to go after those who believe they are untouchable, to step into the breach against those who would victimize other civilians throughout the various communities that I served. If the bad guy fought, I would fight back. If the bad guy ran, I would chase them down. If the job required me to work and “miss stuff,” I would work. That continues with my current assignment. If I had to miss birthdays, holidays, vacations or days off, or work weird or long shifts, so be it. That still comes with the job, but make sure you are keeping it all in perspective.

As a rookie cop, there are times when you can’t believe they pay you to do the job. When you train, prepare and then deliver on a call, there is nothing quite like it. The adrenaline rush eventually goes away, or you don’t feel it after a while. The job is boring at times. At other times, it is the greatest show on earth, and you have a front row seat! No matter how good or bad it is, we come back again P# 13857 and again, and the job takes a toll on us personally and professionally. As the years go on, we begin to see the cost of the job, and with experience and maturity we realize all of this “awesome” comes with a great cost.

One thing that lets you know the cost of the job is how the Department treats members at times. There have been several articles written on this, and I will not be focusing on that aspect of the job here. The truth is that Metro is not unique here. The Department is a machine, and the machine only loves you when it serves the machine. Metro is a business, not a family.

The Department will put its full resources and weight into firing you if the machine believes you are bad for the machine. It is this way at all major departments and, for that matter, most major businesses. Learning this truth, however, helps temper any misunderstandings you may have from what you read in a brochure or learned in some rah-rah session. Just be aware you could sacrifice, give, miss time or even neglect your family, put your health and safety on the line, do a great job including being recognized for awards, and have it all change and the machine turn on you. A perfect illustration of this is Executive Board member Greg Stinnett’s article on how six seconds cost a member of the Metro “family” his spot in the family. We are not a family. We are a business. Be careful of believing your “spot” here is more than it is.

The other very real cost is to our health and safety. This includes physical health on calls, mental health, emotional health, possible suicidal tendencies, poor health in general and possible addiction issues. Life is short, and we don’t know the day or hour our short time on this earth will end. I mentioned earlier in the article that I started as a police officer in 1998. Since that time, I have had over 30 friends pass away. Many were murdered, some died in accidents, some took their own lives and many have died from health complications. How common do you believe it is in other professions to have 30-plus co-workers pass for various reasons, including multiple homicides and suicides?

The job takes so much from us, and for some of us it takes it all.

This topic changed my article after I had already written an article. On Easter Sunday, I received the news that Sergeant Tim Stovall had passed due to a potential heart attack. Timmy was my friend. We served in the Gang Unit together and shared the same religious faith. My heart dropped as I read updates on Tim, and my heart went out to officers from Moapa who responded to that call for service. The job takes so much from us, and for some of us it takes it all. There are certainly costs to anything worthwhile, but don’t be seduced by the job. *Never* forget what is truly important. Your family, your health, your relationships outside the job all have more meaning than any call or aspect of the job. Police work takes much from all of us who stay in the job. When you watch your co-workers fall prey to aspects of the job, the “benefits” lose some of their luster. Never forget, one day you will not be here. Don’t give it all to the job. Take care of yourself, and take care of the ones who love you.

*Remember ...* your true family is what matters. *Make sure* you focus on your family throughout your career. One day, if God smiles on you, you will leave the job and return to your family. Do not wait until then to take care of them, to be responsive to them, to make sure you prioritize them. Being a police officer is not “normal” by any means. Take pride in the job; it is OK to love the job, and to reach retirement healthy and happy with your family is certainly the goal. That does not happen by accident. Focus on what is most important — that is, your family outside of Metro. Life is too short, and too many of us return to our Heavenly Father before we leave our LEO service. Be safe, guys, and may God bless us as we serve other families until we return to our own. **VB**

## EDITORIAL POLICY

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



# Early Planning for Retirement Class

**CORRECTIONS OFFICER DANIEL COYNE**  
Treasurer

One of the things that I think we fail to do as an agency is to educate our employees on the importance of planning for retirement. When it comes to planning for retirement, the earlier the better. The old saying "By failing to prepare, you are preparing to fail" is pretty accurate for this subject. Everyone needs to have a road map with their retirement goals, timelines and a plan for how to arrive at their desired goal. The one thing that we have to our advantage is our pension system. Our pension is a great benefit that will help make retirement affordable, but it alone will likely not meet all your financial needs, and that is why your early planning is essential.

Some people will blow off the thought of planning early for retirement, saying that they have plenty of time to think about that or that it's too far away to think about, but when it comes to retirement planning, it's never too early to start saving. The more you invest and the earlier you start means your retirement savings will have that much more time and potential to grow. By investing early and staying invested, you may be able to take advantage of and maximize your compound earnings.

By planning for an early retirement, you will be much more likely to actually

retire early and in a better financial situation. This will eventually lead to less stress and a longer, happier life.

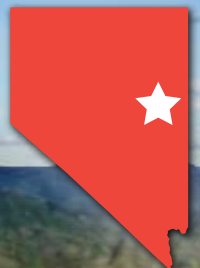
There are plenty of things that you will need to plan for in retirement, and planning for all of this on your own will take a lot of time and initiative on your part. That is why Steve Grammas and I have made it a goal to put together a class for our members that will be a one-stop shop for planning out your financial life.

Because I am not an expert in this field, I have reached out to a local business to come to the PPA and teach a financial education class that I believe will help you plan financially P# 7931 throughout your career and set you up for an early and happy retirement. I explained to them what an average officer's benefits and retirement needs are and asked them to develop a class specifically for our members.

This class will be held at the PPA office on June 8 from 8 a.m. to 4 p.m. Some of the topics for the class will be financial education, emergency funds, debt traps, cash flow, building wealth, proper protection, inflation, and wills and trusts.

Everyone in attendance at this event will receive free financial planning literature and lunch. Soon we will be sending out an email with a description of the class and instructions on how to sign up. Please, as always, feel free to reach out to me if you have any questions about this topic. **VB**

# GET ELY-VATED



## MAY-JULY 2022

- MAY 13-15:** Nevada Open Road Challenge
- JUNE 2-5:** Shellraiser Music Festival
- JUNE 10-11:** Bristlecone Bricks & Train Show
- JUNE 11:** Fears, Tears and Beers Mountain Bike Enduro
- JUNE 17-19:** White Pine Museum Rock & Gem Swap
- JUNE 18:** Ward Mountain Trail Run (Ely Outdoor Enthusiasts)
- JUNE 25-26:** Sagebrush Social Disc Golf Tournament
- JULY 4:** Independence Day Celebration
- JULY 16:** Color Me Ely 5K (Ely Outdoor Enthusiasts)
- JULY 22-23:** Lund Pioneer Days



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# What to Do if Investigated for an Off-Duty Incident

**OFFICER JOHN ABEL**  
Director of Governmental Affairs

Over the last several months, we have had police officers investigated for off-duty incidents where some troubling trends emerged. The biggest issue is when an officer freely and willfully gives LVMPD detectives their cellphone without probable cause or a search warrant. Detectives then take that cell and download all its contents. Officers gave up their cellphone because they wanted to be seen as cooperative, and they knew that nothing on their cellphone would incriminate them of the crime they were being investigated for. That way of thinking is very short-sighted, because what they do not realize is that contents of their cellphone may not get them prosecuted for a crime, but they can and have gotten officers fired.

Off-duty police officers have the same rights against search and seizure as every other citizen. Our smartphones hold very private information from our lives. There are many court cases that have solidified this fact since smartphones became more mainstream. Giving your cellphone to a police detective without probable cause or a search warrant opens you up to internal scrutiny, which an officer probably does not realize, as they are being cooperative. The detectives investigating you will appreciate the cooperation as they scour the downloaded information from your smartphone and turn over any proof of a policy violation

to internal affairs. Never freely give your personally owned smartphone to a detective without a search warrant. If they have the probable cause for a search warrant, they will show up with the warrant in hand and there will be no choice.


Detectives will often use their connection as a “brother” or “sister” officer to try and gain your cooperation. In my opinion, this is a ruse. It may feel uncomfortable to tell them no, but your career may depend on you standing your ground and telling them to go secure a warrant. You probably will have nothing to hide, but it’s doubtful you will remember the funny meme you shared or the gallows humor joke you told with co-workers that will be used to discipline you. Officers have too much to lose to be subjected to a warrantless search of their personal cellphone. I suggest you call someone who will advocate for you before you speak to detectives, or at the very least invoke your rights and choose to not answer questions, but that is ultimately up to you. What you say will be used against you during a criminal investigation and any subsequent internal investigation.

By now, every officer has an LVMPD-owned iPhone. This phone is not a private phone and will be subject to a warrantless search during investigations. My advice for this phone is to use it for work-related purposes only. Keep personal texts and information off this phone. Do not text your personal phone from this LVMPD phone, and leave it at work on your regular days off.

As always, I can be reached at [jabel@LVPPA.com](mailto:jabel@LVPPA.com) or (702) 468-0766. **VB**

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

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

Members who find the hidden  in this issue of Vegas Beat and register through [www.LVPPA.com](http://www.LVPPA.com) will be entered into a drawing for \$250. You must enter by Tuesday, June 7, 2022, to be considered eligible. Telephone entries will not be accepted. Visit our website for more details.

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

We've hidden **five personnel numbers** within this issue of Vegas Beat. If your number is among them and you call (702) 384-8692 to let us know that you found it, you'll win **\$50**. If you didn't find your number this time, try again in the next issue where we'll hide five more!

Excludes P#s listed in the Retirement section of Vegas Beat

**Cash is great, but our giveaways aren't the only reasons to read Vegas Beat.**

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



# Got a CRB Complaint — What's Next?

## KELLY SWEENEY

Director of Employee Relations

Receiving a complaint from the Citizen Review Board can seem daunting, especially when the complaint is bogus. That's where we come in. Send the letter and complaint to me at [ksweeney@lvppa.com](mailto:ksweeney@lvppa.com). Upon review, I will reach out to you for the details. I will ask whether reports were completed, if there was a supervisor involved and, most importantly, if there is BWC or video. This is important information in responding to the CRB, as in most instances, this information is enough to clear the complaint. I will prepare the response for you and send to the CRB. We strongly suggest that you respond, and do not ignore them.

Here is what you need to know about the CRB and their process: The CRB was created under NRS 289.380. The CRB may advise the Department on issues concerning peace officers employed by the Department, refer complaints against officers to the Department and review Internal Investigations completed by the Department, including discipline. The purpose of the CRB is to act as an advisory body to the Department. It is important to know that the CRB does not have the authority to discipline you. If the complaint is not dismissed, they will likely refer the complaint to IAB and request a complete investigation, if one has not already been done. The CRB will not provide IAB with a copy of your response. Should

you be called for an interview, the PPA will provide a copy of your response, and your response may be used to clear the complaint. Why the CRB will not provide your response to IAB is a mystery — and a very questionable practice. If you have already been to IAB on the matter, IAB will turn over their case file to the CRB, even if it has been closed out as no policy violation, exonerated or not sustained. Whether or not IAB is involved, the CRB will hold a hearing panel to discuss the complaint. You are not invited to this panel. If, and that is a big if, the CRB panel requires your testimony, you will be subpoenaed. You are required to comply with the subpoena, but we will discuss that in depth if that should occur.

In many cases, the CRB will dismiss the complaint after receiving your response.

At the end of the CRB's inquiry, they will send you a CRB Disposition Report that indicates their decision on the complaint. These are the same dispositions IAB uses; i.e., sustained, not sustained, exonerated, etc. If you are sustained, the CRB will send their findings and recommendations to the Sheriff. They may recommend discipline, but they have *no authority* to issue discipline. That decision rests solely with the Sheriff.

As a member of the PPA, if you receive a CRB complaint, please send it to me for a response. If you should get subpoenaed to a panel (again, that is very rare), the PPA will represent you each step of the way and will appear alongside you. If you have any questions, do not hesitate to contact me here at the PPA. **VB**

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## Litigation Summary

**DAVID ROGER**  
General Counsel

The Board of Directors is aggressively defending your rights through litigation. The following is a list of pending cases.

### ***LVPPA & Vidal Contreras v. LVMPD***

Officer Vidal Contreras shot a male who charged at him with a knife. The male was a mere 12 feet away when Officer Contreras fired two rounds at the suspect. LVMPD terminated Officer Contreras' employment for failing to de-escalate the encounter. The arbitrator, who has never ruled in favor of an LVMPD officer in a termination case, denied Officer Contreras' grievance. We are continuing to fight for our member by filing an NRS 289 case in District Court.

### ***Officer Melody DePierro v. LVPPA***

Officer Melody DePierro was a PPA member who decided to drop her membership mid-year. When the Association informed her that she had to wait until the October drop period, she filed a federal civil rights lawsuit against PPA. A federal judge rejected her First Amendment claim and dismissed her case. Officer DePierro appealed the decision to the Ninth Circuit Court of Appeals.

### ***LVPPA v. LVMPD — Mandatory Overtime***

The Association filed a lawsuit against the Department, asking the court to decide whether the collective bargaining agreement (CBA) allows the Department to order officers to work overtime. The CBA defines overtime as "additional compensation earned by an employee who is *requested to return to duty* at a time that is more than 12 hours after notice is given." The Association's position is that "request" means the employee has the discretion to either grant or deny the Department's request to work overtime.

The court issued a restraining order against the Department pending its final decision. After several years of litigation, the court ruled in favor of the Department. The Association has appealed the decision to the Nevada Supreme Court.

### ***Wendy Butler v. LVMPD***

Officer Wendy Butler signed a last chance agreement with



the Department to resolve a disciplinary issue. Subsequently, the Department concluded that Officer Butler failed to activate her body-worn camera during a call. Based upon the violation, the Department terminated her employment.

On behalf of Officer Butler, the Association sanctioned a lawsuit against LVMPD for breach of contract because the Department terminated the agreement for a violation, which is not a terminable offense. The case is pending.

### ***Officer Dan Coyne v. LVMPD***

PPA Representative Dan Coyne filed a class-action lawsuit against LVMPD for failure to pay officers overtime for securing necessary equipment for voluntary overtime shifts. The complaint alleges the Department has violated both state and federal overtime laws by not paying officers for time spent going to area commands to obtain and return body-worn cameras and patrol vehicles. Similar allegations involve CCDC officers who were not paid overtime for getting equipment for their overtime assignments.

The Department removed the case from state court to federal court. The federal judge will be asked to approve the class plaintiffs. At that time, the court will order notices to be sent to all officers.

### LVPPA v. LVMPD — PERS Contributions for Callback Pay

The Association filed a lawsuit against the Department for failing to pay PERS contributions for the time officers were called back to work overtime. NRS 286.025(2)(b) includes callback pay as compensation subject to PERS contributions. The statute applies to employees who became PERS members prior to January 1, 2010. Callback is defined as “holding oneself ready for duty while off duty and returning to duty after one’s regular working hours.” The PERS Board has interpreted this section to include pay when an employee is given less than 12 hours’ notice. The case is pending in District Court.

### PPA President Steve Grammas & Bryan Yant v. LVMPD

This lawsuit asks the court to issue an injunction against LVMPD to force CIRT to comply with NRS 289.060(2)(b), which requires investigators to provide “a summary of alleged misconduct of the peace officer.” Additionally, the complaint alleges that CIRT fails to abide by NRS 289.080(3)(c), which limits the scope of questioning to the misconduct alleged in the notice. The complaint is pending in District Court.

### PPA v. City of Las Vegas (Longevity)

These cases, filed on behalf of the City marshals, were the result of an arbitration to decide whether officers were entitled to three years’ credit toward their longevity pay. The City claimed officers waived the service credits when they agreed to forgo longevity pay, as a concession, during the recession. Prior to the hearing, the City agreed to a deal that included back pay to officers. The deal fell through when the City refused to include officers who would qualify to file grievances in the future.

When other officers filed their grievances, the City stated it would not accept the grievances because it felt the matters were not filed timely. Moreover, the City stated it would not agree to allow an arbitrator to decide both the timeliness and substantive issues in the same case. Thus, the officers would have to present their grievances to two different arbitrators.

The first District Court case asks the judge to decide whether officers are entitled to service credit for the three years they agreed to waive longevity pay. Another District Court judge is asked to decide whether the CBA allows the City to require marshals to litigate their timeliness and substantive issues before two separate arbitrators. Both cases are pending in District Court.

### PPA v. City of Las Vegas (NRS 289 Civilian Interrogations of Officers)

PPA filed this case to require the City to comply with NRS 289, which requires commissioned officers to conduct administrative investigations of officers. The reason for officer-led investigations is that civilians may not compel officers to provide statements as required by *Garrity v. New Jersey*. The City believes that civilians may interrogate officers. This case is pending in District Court.

### NAPSO v. LVPPA & LVMPD

This case addresses the issue of whether an outside association may represent officers pursuant to NRS 289. The Employee–Management Relations Board (EMRB) ruled, in several cases, that outside associations may not represent officers who are part of a collective bargaining unit represented by another association. The Board opined that these decisions also apply to peace officer investigations.

The Board previously ruled against NAPSO when it sought to represent state peace officers who were part of a collective bargaining unit represented by the Nevada Highway Patrol Association. Nevertheless, NAPSO filed a lawsuit against PPA and LVMPD. The complaint asked the court to issue an injunction against PPA and LVMPD allowing them to represent officers in administrative investigations and hearings. The Court ruled against NAPSO and refused to grant its request for injunction. PPA then filed a case against NAPSO. The litigation is pending in District Court.

### PPA v. Fraternal Order of Police & LVMPD

Despite the EMRB decisions discussed above, and NAPSO’s failed attempt at getting an injunction against PPA and LVMPD, the Fraternal Order of Police (FOP) filed a lawsuit against LVMPD. The complaint asked the court to issue an injunction to allow FOP to represent members of PPA’s bargaining unit in administrative investigations and hearings.

The FOP attorney, who is also PMSA’s outside counsel, failed to include PPA in the lawsuit. The Department also failed to notify PPA of the litigation, even though the case involved the same issue pending in *NAPSO v. PPA & LVMPD*. Equally important, FOP’s request involved PPA’s exclusive right to represent employees who are part of PPA’s collective bargaining unit.

Because PPA was excluded from the case, and its rights and interests were not fully addressed in the hearing, the court granted FOP’s request. When the Department notified PPA of the court’s ruling, PPA filed a motion to intervene. The judge stated she would have allowed PPA to participate in the hearing if she knew the Association had a vested interest in the litigation. However, she refused to unwind her decision because she believed her order was final.

## FOP’s request involved PPA’s exclusive right to represent employees who are part of PPA’s collective bargaining unit.

PPA’s request that the Nevada Supreme Court hear the case was granted, and FOP and LVMPD were directed to explain why they did not notify PPA of the litigation.

### Conclusion

The Executive Board is diligently working to protect your rights. We will keep you apprised of developments in these cases. **VB**



## CALENDAR

May 7	Police Versus Fire Charity Football Game, Bonanza High School, 7 p.m.
May 8	Mother’s Day
May 11–17	National Police Week
May 15	National Peace Officers Memorial Day
May 27	LVPPA Summer Bash, PPA Office, 4–10 p.m.
May 30	Memorial Day
June 2	General Membership Meeting*
June 8	Early Planning for Retirement Class, PPA Office, 8 a.m. to 4 p.m.
June 14	Flag Day
June 19	Father’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.

# IN HONOR OF OUR FALLEN

## **LAS VEGAS METROPOLITAN POLICE DEPARTMENT, NV**

POLICE OFFICER JASON SWANGER  
End of Watch: June 24, 2021

POLICE LIEUTENANT ERIK L. LLOYD  
End of Watch: July 29, 2020

POLICE OFFICER CHARLESTON HARTFIELD  
End of Watch: October 1, 2017

POLICE OFFICER ALYN R. BECK  
End of Watch: June 8, 2014

POLICE OFFICER IGOR SOLDO  
End of Watch: June 8, 2014

POLICE OFFICER DAVID VANBUSKIRK  
End of Watch: July 23, 2013

CORRECTIONS OFFICER DANIEL J. LEACH  
End of Watch: November 21, 2009

POLICE OFFICER TREVOR A. NETTLETON  
End of Watch: November 19, 2009

POLICE OFFICER MILBURN BEITEL III  
End of Watch: October 8, 2009

POLICE OFFICER JAMES LE'TREALL MANOR  
End of Watch: May 7, 2009

POLICE SERGEANT HENRY PRENDES  
End of Watch: February 1, 2006

POLICE OFFICER RUSSELL L. PETERSON, JR.  
End of Watch: March 24, 1998

POLICE OFFICER DONALD C. WEESE  
End of Watch: October 23, 1992

POLICE OFFICER MARC A. KAHRE  
End of Watch: October 11, 1988

POLICE OFFICER CLARK A. WOOLDRIDGE  
End of Watch: August 14, 1979

CORRECTIONS OFFICER JAMES W. HARBIN II  
End of Watch: March 18, 1979

POLICE OFFICER JAMES R. ROGAN  
End of Watch: February 22, 1978

POLICE SERGEANT PAUL DEWEERT  
End of Watch: October 8, 1967

PATROLMAN WILLIAM R. FORTYE  
End of Watch: October 28, 1966

DEPUTY SHERIFF GEORGE HART  
End of Watch: November 12, 1957

POLICE OFFICER WILBUR E. MCGEE  
End of Watch: November 4, 1955

SERGEANT ROBERT F. DULA, JR.  
End of Watch: April 9, 1955

DEPUTY SHERIFF WINNIE A. HANSEN  
End of Watch: December 26, 1950

DEPUTY SHERIFF JACK DAVID LONDON  
End of Watch: May 17, 1943

POLICE OFFICER ERNEST J. MAY  
End of Watch: June 8, 1933

DEPUTY SHERIFF JOHN T. ALLEN  
End of Watch: September 18, 1928

## **NORTH LAS VEGAS POLICE DEPARTMENT, NV**

DETECTIVE CHAD WILLIAM PARQUE  
End of Watch: January 7, 2017

OFFICER RAUL PAUL ELIZONDO  
End of Watch: January 30, 1995

OFFICER JAMES B. SLAGLE  
End of Watch: November 30, 1973

## **HENDERSON POLICE DEPARTMENT, NV**

PATROLMAN EDWARD FRANK MEAGHER  
End of Watch: March 13, 1956

## **LAS VEGAS POLICE PROTECTIVE ASSOCIATION**

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

**LVPPA.COM**

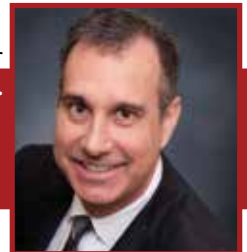
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