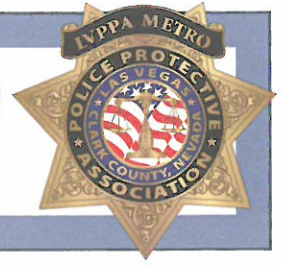


Las Vegas Police Protective Association Metro, Inc.



To: Executive Board
Board Members
LVPPA Members

From: David Roger, General Counsel *DR*

Re: *Garrity* Protection for Officers

Date: February 4, 2014

After two (2) years of spirited debate, the Department changed policy and granted *Garrity* rights to officers who are witnesses in critical incidents. Involved officers will still be allowed to exercise their Fifth Amendment rights and refuse to provide statements to FIT investigators.

GARRITY PROTECTIONS

Department policy 4/101.14 Duty to Testify was amended as follows:

DUTY TO PROVIDE STATEMENT

No department member will refuse to answer questions that are specifically, directly, and narrowly related to the performance of their official duties, their fitness to hold office, or an administrative process within the department. (See also Conduct in Court Cases, 4/108.06)

Under Nevada and federal law, a statement or testimony made by an officer or civilian, under administrative compulsion of section 4/104.04 Obedience and Insubordination and/or this policy, which subjects the employee to possible termination for refusing to provide such information, cannot be used against the employee in any criminal prosecution.

EFFECT OF THIS POLICY CHANGE

We believe this significant change allows officers to give statements, to FIT investigators, without their statements being used against them in any criminal case. However, if the detective begins the interview stating, "This is a voluntary statement provided by..." you should immediately correct the record. The appropriated response is that you are providing the statement because you are compelled to do so by this policy.

I will send a separate memo outlining the procedural changes to Use of Force Investigations.

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