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NEVADA ADVISORY COMMITTEE

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TO THE U.S. COMMISSION

ORIGINAL

ON CIVIL RIGHTS

REPORTER'S TRANSCRIPT OF PROCEEDINGS

SEPTEMBER 15, 2006

Reported by: CINDY R. BOWDEN, NV CCR #815

Valley Reporters (702) 678-1970

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MEETING OF THE NEVADA ADVISORY COMMITTEE

TO THE U.S. COMMISSION ON CIVIL RIGHTS, taken at 325
Convention Center Drive, Las Vegas, Nevada, on Friday,
September 15, 2006, at 10:09 a.m., before Cindy R.
Bowden, Certified Court Reporter, in and for the State
of Nevada.

APPEARANCES:

- DAVID M. SANCHEZ, CHAIRPERSON
- DORIS M. FEMENELLA
- OFFICER ROBERT JETT
- FAFIE MOORE
- GARY PECK
- THOMAS PILLA
- MICHAEL D. PENNINGTON
- DAVID SPURLOCK

10:09 A.M.

-oOo-

MR. SANCHEZ: Good morning, everybody. I would like to convene this meeting of the Nevada Advisory Committee to the United States Commission on Civil Rights.

First order of business, I'd like to have introductions at this point. I'd like for the court reporter to have everybody introduce themselves starting with my left over here and your association within the organization.

MR. PECK: Sure. My name is Gary Peck. G-a-r-y, P-e-c-k. I'm the executive director of the American Civil Liberties Union of Nevada.

MS. MOORE: I'm Fafie Moore. I'm the owner of Realty Executives. I've been a realtor for 25 years and very interested in making sure that there's no discrimination in the real estate business particularly.

MS. FEMENELLA: I'm Doris Femenella, member of ASC and a retired individual.

MR. PENNINGTON: Hello, my name is Michael Pennington. I'm a member of the advisory committee, and by day I'm with the Reno-Sparks Chamber of Commerce and I'm their public policy director.

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MR. SPURLOCK: I'm David Spurlock, general
counsel for Mission Industries of Nevada and California
and Doris Femenella's friend.

MR. JETT: I'm Robert Jett, last name is
J-e-t-t, assistant sheriff for Law Enforcement
Operations of LVMPD.

MR. PILLA: Tom Pilla, and I'm with the
Commission on Civil Rights.

MR. SANCHEZ: And, lastly, my name is David
Sanchez, and I'm the outgoing chair of the Nevada
Advisory Committee, and I'm also the academic director
for the Art Institute of Las Vegas.

First order of business is the approval of
the minutes of our last advisory meeting on May 10th,
2006.

Do I have a motion?

MS. MOORE: Second.

MR. SANCHEZ: That we move the second, and
that we approve the minutes of the May 10th, 2006
meeting.

All those in favor, say aye.

THE COMMITTEE: Aye.

MR. SANCHEZ: Those opposed. Motion to
carry.

MR. PILLA: One quick correction. For the

1 record, it was a May 4th meeting. Minutes are dated May 5
2 10th.

3 MR. SANCHEZ: Oh, I'm sorry. So noted.

4 Good morning. This meeting of the Nevada
5 Advisory Committee to the United States Commission on
6 Civil Rights will now come to order.

7 I'm David Sanchez, chairperson of the Nevada
8 Advisory Committee to the United States Commission on
9 Civil Rights.

10 For the record, the Commission on Civil
11 Rights is an independent agency of the United States
12 Government established by Congress in 1957.

13 The advisory committees were established in
14 each state and the District of Columbia in accordance
15 with enabling legislation and the Federal Advisory
16 Committee Act, to advise the commission on matters
17 pertaining to discrimination or denials of equal
18 protection of the law because of race, color, religion,
19 sex, national origin, age, handicap or in the
20 administration of justice and to aid the commission in
21 the statutory obligation to serve as a national
22 clearinghouse for information on those subjects.

23 The purpose of the meeting today is to
24 obtain information on law enforcement issues and police
25 community relations in Las Vegas and Clark County.

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Based upon the information collected at this meeting, a summary briefing memorandum will be prepared for the use of the advisory committee and submission to the United States Commission on Civil Rights. Other members of the Nevada Advisory Committee, aside from most present are Doris M. Femenella; Belen Gabato; Kay P. Kindred; Dr. John Marini; Fafie Moore; Michael Pennington; Margo Piscevich, P-i-s-c-e-v-i-c-h; Tony Sanchez, III; David Spurlock Jr.; and Steven Walther. Also present with us today is Thomas V. Pilla of the Commission's Western Regional Office in Los Angeles.

We may now seek Mr. Pilla out if we require assistance. And this meeting is being held pursuant to federal rules applicable to state advisory committees and regulations promulgated by the U.S. Commission on Civil Rights. All requests regarding these provisions should be directed to commission staff.

I would like to emphasize that this is a briefing meeting and not an adversarial proceeding. Individuals have been invited to come share with the committee information relevant to the subject of today's inquiry. Each person who will participate has voluntarily agreed to meet with the committee.

The record of this meeting will remain open for a period of 30 days following its conclusion. The

1 committee welcomes additional written statements and
2 exhibits for inclusion in the record.

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3 Those items should be submitted to the
4 Western Regional Office of the United States Commission
5 on Civil Rights, 300 N. Los Angeles Street, Suite 2010,
6 Los Angeles, California 90012.

7 Any member of the commission staff should be
8 able to assist you in the process for submitting
9 information.

10 Let us proceed at this point. What I would
11 like to do is direct the attention to the following
12 issues: We would like to have discussed -- and I would
13 like to direct this initially to Assistant Sheriff Jett
14 for his comments.

15 One of the issues we'd like to be concerned
16 about is the fact that as of yesterday there has been 23
17 officer shootings as of September 13th, another
18 individual, Jeffrey Gray was shot in the chest whose
19 mother works for Las Vegas Metropolitan Police
20 Department.

21 The second issue we'd like to discuss is
22 officer training in terms of how officers are trained.

23 Thirdly, we would like to also discuss
24 community concerns over the shootings and Mr. Peck has
25 been involved in some inquest changes that have been

1 proposed and we'd like to hear about that.

8

2 And, also, we are concerned about the issue
3 of Internal Affairs issues that there are fewer citizen
4 complaints which is rather unique to our hearing today.
5 So at least we'd like to hear from Assistant Sheriff
6 Jett the broader issues of the number of police
7 shootings here in Las Vegas as reported by the Los
8 Angeles Times triggers in rash, the police shootings in
9 Las Vegas.

10 And if you could please from your
11 perspective as a law enforcement officer give us a
12 briefing of the reason for the numbers of the shootings
13 here in the Southern Nevada area.

14 MR. JETT: Well, as Gary Peck -- the reasons
15 are varied. I think the vast majority of the shootings
16 that our department is experiencing this year has
17 certainly been warranted and the suspects left the
18 officer no other alternative. I'm also a citizen of
19 this community. And then it falls on me, of those
20 shootings that we experienced to where the community has
21 some concerns about and traditionally, historically --
22 and based on my experience, I've never really gotten
23 excited about the number of shootings that occurred in
24 the agency as long as the shootings were proper and that
25 was the last resort that the officer had to utilize.

1 Having said that, in today's environment
2 concerns on the shootings we had in the past, say, 12 --
3 10 to 12 months. The increase is due to increase in
4 population. The mentality of the bad guy on the street
5 has certainly changed towards law enforcement. People
6 are far more aggressive. They are better armed, less
7 tolerant of police intervention and to their problems.
8 Drugs play a large part. I think out of the 10
9 fatalities that LVMPD has experienced -- most of the
10 toxicology tests were done on the suspects who are
11 deceased, I think nine of those had some sort of drug in
12 their system from marijuana to methamphetamine plays a
13 part in their aggressive behavior.

14 On the flip side of our agency and causes
15 for shootings in our agency -- and I don't think you can
16 have the type of road that we have and have 85 percent
17 of our law enforcement have five years or less on
18 average on the department and not think that experience
19 plays a role in some of our officer-involved shootings.

20 If you have an officer who has between 10
21 and 20 years on, it's been proven that officer is less
22 likely to have to resort to use deadly force, and when
23 he does or she does use deadly force, the number is
24 around -- are far less than an officer who has from 18
25 months to five years on the department.

1 Now, I don't care how much training you do
2 there's certain aspects of police work that comes with
3 experience, on-the-job training during the job, ten
4 hours a day, year end and year out. And, also, remember
5 this, we get our police advocates from the same place
6 that every part of society recruits, applicants for
7 their workplace and the majority of officers come here
8 -- come here as 21 years old to 23 years old, and they
9 go through the same maturity process as our children.
10 So just think about your child who is 23 years old and
11 some of the conversations you have with your child.
12 Sometimes you wonder if they are 23 or 13.

13 Now, we experience that same thing because,
14 you know, they are the same category, same age group,
15 and they have to go through the same maturity process.
16 Now, this job -- this -- by nature, forces you to mature
17 faster. Now, I always thought it -- it really took an
18 officer -- probably once you reach the five-year level,
19 you realize that you're not superman, that communication
20 more often than not is far more effective than the use
21 of force.

22 However, you know when you first come on in
23 the department, you're trained in our academy. And
24 every agency is like this. Officers trained to -- is
25 always maintain control of the situation, whatever

1 environment they go into. And that's done for officer
2 safety reasons. Now, we try to balance that with
3 classes that teach officers communication skills,
4 interpersonal relationships. But just like any person
5 -- any novice's first dealing in the workplace --
6 because you see the horror stories and you hear those
7 stories in the academy because of the necessity, and you
8 hear about the tragedies that have occurred with police
9 officers prior to you coming on to the department.

10 And in other departments, young officers
11 tend to retain the bad stuff that could happen to you
12 and we have to constantly remind police officers that
13 the vast majority of the public supports our agency as
14 the public does across the country. People like police
15 officers. You know, we're that thin line between good
16 and evil. So as much as we reiterate that and teach
17 that to our young officers, it's the ultimate maturity
18 process that officers felt now.

19 Some of our most contentious shootings this
20 year haven't involved young officers. You know, Swuave
21 Lopez involved two officers that had, I think, 10 and 20
22 years on. Now, what do I attribute that to? I
23 attribute their decision-making to their personal
24 decisions. I mean, they have had all the training this
25 department has to offer and then some, not to mention

1 the fact that the officers involved in that shooting 12
2 were seasoned investigators. One investigates
3 officer-involved shootings.

4 So I'm not going to sit here and tell you
5 that our problems is all maturity. Our problem is all
6 training. Here, again, I think our problem -- if you
7 want to call it a problem is a totality of all the
8 circumstances that I have talked about and I think there
9 is a constant need for retraining of both youngsters'
10 out of field training and seasoned veterans in the uses
11 of deadly force and tactics and all.

12 MR. SANCHEZ: Assistant Sheriff Jett, it's
13 very clear that the Las Vegas Metropolitan Police
14 Department became a point of attention on terms of a
15 look by the news media from outside the area especially
16 after Swuave Lopez was shot in the back because that
17 really created a situation that brought attention to the
18 Las Vegas Valley area.

19 MR. JETT: Well, I think the public's
20 concern was justified, as it was my concern, the
21 undersheriffs, and the sheriffs, and most experienced
22 cops in the police department. You know, I think we're
23 one of the best trained organizations in the country. I
24 don't think anybody would dispute that across the
25 country, you know, including the people in this

1 community.

13

2 Now with that training, I think the public
3 has an expectation that you utilize that training and
4 you only resort to deadly force as the last resort. The
5 coroner's inquest that it wasn't his fault -- as I'm
6 sure Gary will allude to ruled that the shooting was
7 justified. That's because the way that the law is
8 written. In my personal opinion, most shootings can be
9 justified, if you got any reasonable cause at all to
10 apply deadly force, most shootings can be justified.

11 Now, that's not to say that the police
12 department didn't like that, well, the legislature did.
13 Now having said that and since you speak about Swuave
14 Lopez, I think -- from -- I think, the facts speak for
15 themselves. There was double digit police officers on
16 ground. There was police officers spread throughout the
17 apartment complex. There was upwards of six to eight
18 officers chasing Swuave Lopez. Swuave Lopez was in
19 handcuffs.

20 Now, there was a train of thought that
21 police officers on our department who will tell you that
22 and really believe that. And this is a true concern,
23 that if a suspect who you have reasonable suspicion or
24 cause to believe that this person has committed a
25 violent crime, as was the case with Swuave Lopez, if

1 that person is allowed to escape and do a home invasion
2 or grab a little girl walking down the sidewalk, that
3 the department will be liable in that situation, and
4 that's not -- that's not false. That is a reality --
5 that's a reality of litigation.

6 Now having said that, we also have training
7 tactics that those things occur. There's things that
8 you as a police officer can do to mitigate situations
9 like that, short of deadly force. Not everybody has the
10 level of expertise that I do or the other officers on
11 the department. I was a SWAT commander for five years.
12 I was a SWAT team leader for three years. And I've
13 worked in the gang unit, just about every place you can
14 work. Now, everybody doesn't have my level of
15 experience.

16 Now, I can tell you from my perspective, if
17 I had been chasing Swuave Lopez, I would have not used
18 deadly force. Now, that's based on my level of
19 experience and confidence and my ability on the street.
20 And there's probably 200 other officers that will tell
21 you the same thing that I'm telling you. They wouldn't
22 have resorted to deadly force. And now there's other
23 people based on their physical limitation, based on
24 their training, experience, based on their perception of
25 the threat, based on what they thought Swuave Lopez

1 would be able to do if they allowed him to escape, that
2 they truly believe that they had to resort to deadly
3 force in order to mitigate that situation.

4 Now, here again, can we mitigate some
5 shooting similar to that? You bet we can. We can
6 reinforce training. We can add training. And I've
7 personally been working on a project for the past year
8 to minimize the number of shootings that we have with
9 moving cars. I think that's problematic. And in
10 situations like this, if we give police officers
11 training to give them ideas in other options to use in
12 situations like this, you'll see a decrease in the
13 number of shootings that are similarly situated.

14 But I can tell you we're never going to be
15 able to by training or completely eliminate shootings
16 like this because it comes back to one thing, your
17 personal decision making.

18 Now, I could remember one night I had a
19 pursuit with five robbers that robbed a store and five
20 guys jumped out of a van and started running into the
21 projects and two had guns in their hands. Now, they
22 never looked back and the guns never left below their
23 waist area as they were running. I didn't perceive them
24 as an immediate threat. If they looked back and started
25 to turn the gun towards me, there would have been an

1 officer-involved shooting. That's when I would have
2 used deadly force.

3 Now, you could have a similar situation with
4 an officer with less experience and a shooting may occur
5 because that officer perceived the people running with
6 the guns as a threat to him or her because he's got to
7 chase these people into the projects. Now, I have
8 always had a different threshold and it's based on my
9 training, and it's been based on the way I grew up, the
10 things I saw when I was growing up and not everybody
11 comes to our department with the same life experiences.

12 So that's the reason why I say you're never
13 going to see a complete absolute resolution of police
14 shootings that the public finds to being problematic.
15 But I think it's always important that when the public
16 sees shootings that they think are problematic voice
17 their concerns, because it's been in my experience that
18 when the public sees shootings they think are
19 problematic, the police department feels the same way
20 about it.

21 MR. SANCHEZ: Assistant Sheriff Jett, for
22 the record, by the way, I'd like to disclose the fact
23 that I served on the Las Vegas Metropolitan Police
24 Department Use of Force under Sheriff Duran and Sheriff
25 Keller and underwent training at the academy in terms

1 that I had been involved in the review of officer
2 shootings. And I'm well aware of the training that goes
3 on.

4 Any of the members can please ask any
5 questions. I do have a series of questions before we
6 get to Mr. Peck.

7 MS. MOORE: My question would be: Do you
8 have their resources of pursuit, running after them,
9 tackling them, doing that and they go to guns or do they
10 have Tasers with them? Was there a mid-level that they
11 go to?

12 And the question I've heard most frequently,
13 why he didn't just shoot him in the kneecap? You know,
14 I'm just -- I mean -- that's what the public has asked
15 me.

16 MR. JETT: Right. Well, let me address the
17 second part first, because that's always a question
18 that's asked frequently at the inquest. Why didn't you
19 shoot them in the leg and one of the extremities?

20 And I can tell you it's tough enough
21 shooting a person in the widest part of your body when
22 that person is running and when we're running. Your
23 adrenaline is up. It's an extremely tough shot to make.

24 Now, at the range, you shoot at the
25 stationary target when you qualify, but the target is

1 not moving, nor is the target trying to kill you or a
2 perceived threat to you. So, you know, when you see
3 stories on television about people shot a suspect in the
4 leg or the arm, believe me, the shot was completely
5 lucky unless it was a tactical team. Now, if it's a
6 SWAT team and they had the intent of making a shot like
7 that, sometimes it's possible. For -- even for a
8 tactical team, it's highly improbable.

9 So it's just not reasonable to ask police
10 officers in one of the most -- in fact, the most
11 stressful situation that you're involved in -- I think,
12 second only to police pursuits to mass shoot a person in
13 the leg or an arm as they're moving. We're taught to
14 shoot center mass because that's the place where your
15 most quickly going to incapacitate a perceived threat to
16 the police officer.

17 Now, the first part of the question was?

18 MS. MOORE: The level -- your levels of
19 options. It seems like that you got --

20 MR. JETT: Okay.

21 MS. MOORE: -- basically, you know, like,
22 the old days of Laurel & Hardy that the billy club
23 running after them, chase them, and then pull the gun is
24 the next thing. There's not a --

25 MR. JETT: Well --

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MS. MOORE: Mid-level.

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MR. JETT: The tools that a secretary compared to a patrol officer are two different things. A patrol officer has a myriad of low impact tools that he or she can use in responding to a person on a situation. Everything from a loaded volley shotgun. Now, normally you won't take the loaded volley shotgun out of your car unless -- details of the call tell you. Once you go up to the call, it's probably going to be a tool that you will utilize, so -- I'll give you an example.

If I got a call that a person is standing on the corner of Sahara and Maryland Parkway with a long pipe or a knife through his throat, before I can arrive on the call, I know I should get out with my loaded volley shotgun.

Now, the officer is also mandated by policy if you get out of your car with your loaded volley shotgun, that there's a second officer there that can apply deadly force, if necessary. Because frequently, if you miss with your loaded volley shot gun, the bad guy can close ground and can hurt you with the deadly force weapon he has before you have a chance to transition from loaded volley to deadly force.

We also have Tasers which I think are very

1 effective. I think it's one of the greatest tools law
2 enforcement has ever had. And that's even considering
3 some courts throughout the land have associated Tasers
4 with death. I still think they are one of the most
5 valuable tools that law enforcement has because I've
6 seen how effective it is. And I have seen the number of
7 times that our agency has used it. And we haven't had
8 any negative consequences associated with it.

9 When the -- when we bought our Tasers for
10 every patrol officer on the department, part of the
11 testing process was that each officer had to be tased.
12 So I've personally been tased. Even though I didn't
13 have to, I wanted to see what it was like. And, you
14 know, it was an immediate incapacitation. And from the
15 time I hit the ground, I was in recovery. And by the
16 time I raised back up, I had a smile on my face. To me,
17 it felt like a sledgehammer had hit me in the back. But
18 the pain was just that immediate and that quick and
19 resolved that quickly.

20 And each time we have had a death in this
21 community associated with a Taser, there's also been a
22 high number of narcotics in the victim's system. So,
23 you know, there's two schools of thought. Some studies
24 and experts in the country say that Tasers cause death.
25 Other studies say that the Taser was just a factor to a

1 death that was imminent anyway because of the
2 pre-existing condition or drug use.

3 So having said that, I still think the Taser
4 is a good tool. We also have an expandable ASP and it's
5 the new version of a billy club. And it's a tool that
6 you can use and LVMPD -- that you can't hit a person in
7 the head, you can't hit him in the groin area unless you
8 intend to use deadly force in one of your impact tools.
9 So the aspect of impact tools can only be used on the
10 forearms, the thighs, the shins, the knees, if need be.

11 If you elevate to the head or the groin area
12 that's considered deadly force. And so if the guy
13 pulled out a knife and you weren't aware he had a knife,
14 now you're justifying using your ASP in the head area.
15 We also have LVNR. That's the lateral vascular neck
16 restraint. And we say this is when police agencies
17 became professionalized. And after our Charles Bush
18 incident where we improperly -- you know, back in those
19 days we didn't have anything called LVNR. If you got an
20 arm around a suspect's neck, it was basically called a
21 chokehold.

22 Well, the police departments across the
23 country became professionalized. Now, officers are
24 taught how to properly cut off circulation to the veins
25 from inside the neck to incapacitate a person. And here

1 again recovery is just immediate. Now, along with that
2 your mandated by policy to apply first aid once the
3 person goes down, and you're able to get that person
4 handcuffed.

5 So we have a variety of tools that you could
6 use, including hands on. You could still use your
7 hands. It's not recommended the thing to do, but we
8 have arm bars and when I say "hands on," I don't mean
9 punching somebody in the face, although, that's still
10 effective if that's all you have to work with. But we
11 have arm bars, we have armlocks.

12 We have a variety of pain compliance that we
13 teach in the academy that an officer has available.
14 Now, for plain clothes you're not mandated by policy to
15 wear a tool belt like patrol officers. In other words,
16 he can't fit anything else on the tool belt. So
17 detectives traditionally carry -- as some detectives
18 carry a Taser some detectives don't carry anything but a
19 handgun. So the number of tools available to a
20 detective vary greatly from those mandating carried by
21 a patrol officer.

22 MR. SANCHEZ: Assistant Sheriff Jett,
23 mid-1980s, the U.S. imposed a consent decree on Las
24 Vegas Metropolitan Police Department based on hearing
25 practices. We're talking about the academy and officers

1 shooting criminals here. But how have you dealt with
2 the issue of hearing individuals working with the --
3 within the academy to ensure that you meet the criteria
4 of the Justice Department as well as individuals who
5 would be sound -- what type of psychological testing.
6 You need to describe for us how you hire them before
7 they get to the academy.

8 MR. JETT: Okay. Well, you know, we hire by
9 recruit, and it's always been that way even before we
10 got the sales tax. We're hiring 360 cops a year. Prior
11 to that, we've always had an aggressive program and
12 that's a recruiting program, and that's reflected in the
13 fact that two years ago -- that the consent decree was
14 lifted off of our department. And we never had any
15 recruiting mandates. We just had recruiting goals, that
16 the Justice Department agreed that if we showed a good
17 faith effort and created diversity on our agency bills
18 as opposed to mandate -- cross country have mandates. I
19 think we've been very successful in achieving those
20 goals.

21 Now, to talk about the process, you know, we
22 go out and recruit, and then you are required to take a
23 written test. You're required to take a physical
24 agility test. You're required to take a psychological
25 test which consists of CPI, California Proficiency Test,

1 much like a MPI, Minnesota Psychological Test. We
2 contract out with a group of psychologists who are
3 conducting testing for us.

4 MR. SANCHEZ: Are they local?

5 MR. JETT: They are local. It's Dr. Harry
6 Stanton, who is our contracted psychologist. And his
7 office is right at 101 Convention Center Boulevard,
8 right up the street. That's part of our contract. Each
9 candidate is conditioned to the CPI test which is a
10 four-hour test where, you know, you answer questions,
11 like, do you hate your mom? And, you know, how was your
12 childhood? Things of that nature. It's part of the
13 contract with the psychologist. He has to meet with
14 each candidate for 30 minutes to do a one-on-one
15 personal assessment on the candidate, and he's looking
16 for work history, childhood behavior.

17 You know, one of the things that I have seen
18 on some of the reviews were contemplated hiring the
19 recruits -- people who are showing propensity toward --
20 violence toward animals in their younger years. And if
21 Dr. Stanton sees a pattern, that person is not hired
22 based on something that they did at least 12 and
23 13 years of age, same with work history, that person has
24 had 10 jobs in the last five years. That person is
25 excluded.

1 He also looks at their -- how they handle
 2 their finances, have they had a bankruptcy? He looks at
 3 -- if there are any questions in the CPI which would
 4 lead him to believe that this person has some issues
 5 with diversity or interacting with people of different
 6 cultural backgrounds. So if you look at a wide range of
 7 aspects of a person's life, and then he creates a
 8 comprehensive report, and he submits the background
 9 investigation of the person. And in addition to that,
 10 he assigns a rating to the person.

11 Now, I believe now he's still using the
 12 alphabet. I could be wrong. He may have gone back to
 13 numbers. But the bottom line is ones and twos are
 14 excellent candidates. And normally when I have been on
 15 the review committee, the ones are typically somebody
 16 like this. A person who just left home, went on a
 17 Mormon mission, came back, really has no work
 18 experience, no life history, nothing to be negative in
 19 that person's background. That's traditionally the ones
 20 that I have seen.

21 The twos are people who have gone to
 22 college, no criminal history. They have had some minor
 23 jobs out of college. Those are twos. Based on the
 24 studies that Harry Stanton has done, he has not only
 25 done the testing, but he has got a whole data that he's

1 collected for the past six years of where he looks at
2 trends in the candidates could be hard. So we know --
3 but we know that ones and twos based on the history make
4 very good police officers based on studies where he
5 follows that person throughout their career and looked
6 at their Internal Affairs complaints, including warnings
7 and performance, evaluation and things of that nature.

8 Threes is a person that Dr. Stanton
9 categorizes as a person who is not entirely a person
10 that you shouldn't hire, but he's not a one or two. So
11 here's a person who is categorized with the training and
12 the supervision, has the potential to become a Bible
13 long-term police officer. And the committee that
14 reviews all of the applicants that we could potentially
15 hire. Prior to the final decision, this person is going
16 to be hired. A PowerPoint presentation is done by Dr.
17 Stanton and he makes note of any concerns that he has on
18 three.

19 All the positives that he has on the person
20 that has been designated as a three, and the committee
21 consisting of a human resources personnel, deputy chiefs
22 on patrol, background investigators. They collectively
23 decide as to whether or not we as an agency are going to
24 hire this person. But it's based on the totality that's
25 been collected -- the notes from the polygraph exam, the

1 backgrounds, because we can't use polygraphs as a sole
2 -- we can't use that to negatively knock somebody out.
3 We can only use that as a tool. So if I saw that
4 somebody was basically lying on a polygraph, I cannot
5 use that alone to exclude that person from the hiring
6 process. So we have to find or identify something else
7 in that person's background that will lead us not to
8 hire that person.

9 And, normally, if a person lies about
10 something on the polygraph, you can go back to his or
11 her background and find that they committed petty theft
12 from a prior employer and then that excludes that person
13 from the hiring process. But all that is taking to the
14 final hiring committee along with the psychological
15 results, and that's what the final determination for
16 hiring a person. So, you know, to make a long story
17 short, I am very confident that Dr. Stanton -- our
18 psychological testing process is one of the best parts
19 of the background process for recruiting new people and
20 hiring.

21 MR. SANCHEZ: Thank you, sir.

22 Any other questions of Assistant Sheriff
23 Jett before we go to Mr. Peck?

24 MR. SPURLOCK: With regards to ones and twos
25 and threes because of the large number of officers that

1 you have to hire, I would guess eventually that your
2 pool is more and more limited.

3 How many threes, because of that do you have
4 to hire more than the ones and twos?

5 MR. JETT: Well, believe it or not, the
6 threes make up the largest number of the people that we
7 hire because that we're supplanting our standards or
8 high standards or lower standards. This is because
9 that's the average person. A three is the average
10 person in society. Ones and twos are the anomalies.

11 I mean, how many people go on a two-year
12 mission? How many people who enter the law enforcement
13 with a college degree? Even though we set standards, we
14 discussed this, we had some mandating that in order to
15 be hired on our agency, you need to have at least two
16 years of military, a four-year college degree or two
17 years police experience.

18 And once we did the research, if we held
19 that to standard, we couldn't meet our recruiting, nor
20 do I think it's necessary. And I came here with prior
21 military experience which I think was a great benefit to
22 my success on the department. But I had no college
23 experience and I can't remember what my rating was.

24 You know, I would surmise it was probably a
25 two or three, I know it certainly wasn't a one because I

1 was no angel after having done time in the Marine Corps.

29

2 But I could tell you that the average person who comes
3 on our department is probably a three.

4 MR. SPURLOCK: Do you find that there's a
5 large number of police officers that are coming on the
6 department on a year-to-year basis that you have more
7 difficulty in meeting the standard that you have set?

8 MR. JETT: Absolutely not. You know -- and
9 believe me we have been very fortunate in meeting our
10 recruiting goals. And our recruiting goals are a
11 hundred people four times a year in the police academy,
12 plus an additional academy to make up for attrition.
13 And that's extremely difficult. And when we look at
14 LAPD, it has over a thousand funded openings. LASO has
15 over 1,400 funded openings. They can't meet their
16 recruiting goal.

17 I don't know what it is about Las Vegas.
18 Maybe it's the housing market. It's not to the extent
19 that it is California. Maybe it's the nice weather.
20 Maybe it's because people realize that we are a
21 progressing police department and there's a lot of
22 opportunities for growth and movement throughout the
23 organization. So far without diminishing or supplanting
24 our high standards for hiring, we haven't had any
25 problems recruiting.

1 Now, we all got our favorite squalor that
2 we're going to be able to maintain that. But I can tell
3 you even if we don't, our organization has experienced
4 enough historically when times in our organization when
5 we have hired people that we probably shouldn't have
6 hired of a negative consequence of that. Now, maybe you
7 don't see those problems immediately but you see them
8 three to four to five years down the road with -- when
9 officers who have a propensity to have a high number of
10 uses of force. And I don't mean just deadly force. I
11 mean, you know, day-to-day uses of force.

12 We have had the experience, so we know
13 better than to lower our standards in order to meet our
14 recruiting. What we'll do is just do without. We'll
15 just have to get more creative with our recruiting or
16 we'll have to test more with smaller numbers. All
17 things that we have experienced before in this
18 organization.

19 MR. SANCHEZ: Assistant Sheriff Jett, also
20 for the record, I worked for the Los Angeles County
21 Department of Personnel and helped recruit LASO
22 officers. You brought up a topic that I'd like to
23 explore. One of the phenomenons that we have discovered
24 with sheriff deputies after they got out of the academy
25 and got out of the jail system, they got back on the

1 street, and after a period of time they became probably
2 jaded.

3 And there were some renegade deputies. Do
4 you find the pledge -- I think you just touched on it
5 that you get -- you hire certain individuals that do
6 become renegades or jaded or have a propensity towards
7 violence?

8 MR. JETT: No. I wouldn't characterize
9 that, our officers as renegades. And I'm not saying
10 that because I'm trying to defend my agency. I say that
11 based on my experience here and observations of other
12 police departments. Now, have we had officers who have
13 committed misconduct throughout the history of our
14 department? You bet we have.

15 I have not once in my 29-year career seen
16 misconduct on a level where complete squads were
17 involved, where officers are involved in major criminal
18 activity, where we see officers involved in organized
19 crime behavior, where we see entire squads who are
20 suspended because of their use of the force. I have
21 never seen that in the entire history of our department.
22 What I have seen is independent officers who -- because
23 of their character when they first came here -- if we
24 just fail to identify their true character, they engage
25 in behavior that's not conducive to the police.

1 And, I mean, excessive use of force. Those
2 are the officers that you see that they continually
3 receive complaints from the public for being sarcastic,
4 combative in their conversation, things of that nature.
5 Now, do we have criminal misconduct? Sure we do. We
6 have officers drinking and driving. You know, one of
7 the most consistent problems that I have seen a lot of
8 in officers who engage criminal behavior with
9 prostitutes. You know, occasionally, I'd say probably
10 three times a month in my career involved in the uses of
11 illicit street drugs. Those people are quickly found in
12 our agency and terminated. You know, I can probably say
13 that now.

14 You know, I think the most aggressive acts
15 of police misconduct that I have seen is we've had
16 officers back in the '70s and '80s who engaged in
17 criminal activity with organized crime when organized
18 crime was prevalent in Las Vegas, giving away department
19 secrets and things of that nature. But as far as the
20 types of crimes that you see that occur in New Orleans
21 and Houston, Cincinnati --

22 MR. SANCHEZ: Rampart.

23 MR. JETT: Rampart. Where you have officers
24 involved in bank robberies, major drug sales, beating
25 confessions out of people on the streets, kidnapping of

1 citizens, murder of citizens. I've never seen that. If
2 I have seen it, I'd sit here today and tell you that.
3 And I say I have never seen it from the standpoint of
4 working in the trenches of when I'm involved in
5 specialized units at three o'clock in the morning when
6 we're addressing and going after real bad guys, where
7 those things tend to happen.

8 Because I don't know if you realize it or
9 not, but most major police officers' misconduct, police
10 officers are not dispatched to the incidents that lead
11 to major misconduct. Most -- and this is historical
12 across the country. Most major officer misconduct comes
13 out of the officer's self-initiated activity, whether it
14 be Rodney King or I saw the plate, or I saw the guy
15 driving crazy and I stopped him. Or I stopped the
16 person that's standing on the street corner, and that
17 person ends up dead or beat up. And that's why close
18 supervision on the street is so important because that's
19 where it all happens.

20 You know, when an officer is dispatched to a
21 call, everybody knows about it. There's a record about
22 it that doesn't go away. The officer's supervisor is
23 aware of the -- the type of call that the officer is
24 responding to. And so our department recognizes that.
25 That's a big part of our supervisory training. That's

1 why we place so much emphasis on only putting our best
2 in specialized units, in those critical units where
3 traditionally officers across the country have engaged
4 in conduct that lead to criminal indictments --
5 narcotics, vice, SWAT units, gang unit. Most units
6 where officers are pretty much go out and dictate on
7 their own what type of activity they're going to work on
8 that night is where you have to have the closest
9 supervision.

10 MR. SANCHEZ: Thank you, Assistant Sheriff.

11 Are there any other questions? Yeah.

12 David.

13 MR. SPURLOCK: With regard to the officers
14 that have been on the force for a period of time and I
15 think it was alluded to where they become somewhat
16 jaded, just from the job, and the day-to-day grime --
17 you know, the day-to-day job.

18 Is there any type of program for working
19 with those officers or retraining of those officers to
20 put them in touch with people to pull them out of that
21 type of situation, so they don't fall into a mentality
22 of you don't want them?

23 MR. JETT: You bet. One of the biggest
24 programs that's ongoing is we have two separate ones
25 that is designated by Mr. Romidon (phonetic) that we

1 contracted out. We contracted out with Mr. Romidon and
 2 he comes in to remind people that the world is not all
 3 bad, and that there's cultural differences that cause
 4 different groups of people that you encounter to respond
 5 to you differently on the street.

6 And in addition to that, our diversity you
 7 want in the department has also mandated class for both
 8 troops and supervisors that we reinforce the same thing.
 9 It talks about not only racial issues, but gender
 10 issues, as well as homosexuality. All the things that
 11 are traditionally becoming problematic in the law
 12 enforcement environment.

13 In addition to that, when our advanced
 14 officer training which everybody is mandated to attend
 15 every 17 months. The officer goes back through scenario
 16 training, use of force, training in this block of
 17 training of AOST, advanced officer training, where those
 18 types of things are reinforced.

19 In addition to that, constantly in our
 20 interaction with the folks that work on our agency talk
 21 about not becoming jaded based on the small microcosm
 22 work that you see each day. What happens is you come
 23 here young and aggressive and full of ideals when you
 24 first get here, and you still believe that the world is
 25 round when you first get here. And you get in an

1 environment where you see that you arrest the same guy
2 for a stolen vehicle five times.

3 Then you go to a family disturbance of where
4 you would be berated if you didn't take the husband to
5 jail. And when you get to court, the wife stands up and
6 says we got back together. And the officer is making a
7 fib on me. And I know I want to prosecute. Now, you
8 combine all the things that you do day in and day out,
9 and the homeless person that you respond to on the
10 street, that, yeah, he's defecated on himself in front
11 of a business, and the business owner expects you to do
12 something. At the same time, that homeless person has
13 some type of mental health issue or that person has an
14 alcoholism issue that we as police officers can't solve.

15 But society expects us to do something with
16 that course. Option A, get them out -- in front of my
17 business, what does that lead to? An arrest. Now, two
18 days later, you're back in front of the same business
19 with the same complaints from the same owner with the
20 same favor. So many things in society -- you know,
21 going into a house where the house is filthy and the
22 parents are either absent or poor parents, and 80 times
23 a month, we take a child down to Child Haven because of
24 a poor environment that that child is in. Now, and I
25 guess you can find all of that.

1 If you don't have constant reinforcement,
2 this society, this department, this community supports
3 this police department as a whole, even the ACLU and
4 NAACP -- when I talk to the troops, I constantly
5 reinforce that the -- I never heard Gary Peck or Dean
6 Ishman (phonetic) ever comment on our organization
7 without first saying that they think our organization is
8 a fine organization made up of fine people. But we have
9 some issues. That's all I ask for people that critique
10 my organization. I relay that to command executive
11 staff, the captain. We constantly reinforce that, that
12 the public wouldn't have voted to give up the sales tax
13 increase to raise their taxes to give us more police
14 officers, if they didn't believe in us and they support
15 us.

16 The coroner's inquest processed -- the
17 results wouldn't be what they are. I know contrary to
18 what Mr. Peck thinks they should be -- the results of
19 the inquest throughout the years shows community support
20 and there's just a myriad of things as to -- that I talk
21 about as to other people in the agency that when we were
22 talking to our troops, they have between one year and
23 five years on to reinforce that the world is not all
24 bad.

25 But you also -- there's another component of

1 policing. People don't call us to their house because
2 things are going well. I only come to your house
3 because you dialed 911 and your neighbor says you got a
4 problem. I don't stop you because you were doing the
5 right thing on the road. Or I don't stop you because I
6 thought you were doing the right thing on the street.
7 Most police contact with the public, just by the nature
8 of our job is perceived by the public as being negative.
9 Now, how do we mitigate that? By things as simple as
10 when making a car stop, Good afternoon, ma'am. I'm
11 stopping you because of A, B, and C. Can I see your
12 driver's license and registration, please.

13 Now, so often the public tells us we don't
14 do that. We've mandated a training in the academy to
15 address just one simple thing like that, that the
16 public's concern or one of the complaints that I always
17 hear about is: Well, you know, when the officer walked
18 up to my car, and I asked him or she, Why am I being
19 stopped? The officer's response was, I'll tell you in
20 just a minute. Let me see your license.

21 So we reinforced through training and
22 through conversations just a simple greeting and
23 immediately inform that person why they are being
24 stopped would probably negate 50 percent of the
25 complaints that we get on our department. Because the

1 number one complaint that goes into Internal Affairs is
2 interaction with the public and the comment jargon for
3 that is rudeness or interaction with the public in your
4 conversation. It's not excessive force. It's not our
5 shootings. It's the interaction with the public is the
6 number one complaint and it's always been like that.

7 MR. SANCHEZ: And I think Mr. Pilla had a
8 question also.

9 MR. PILLA: Just a quick question. The
10 percentage of attrition, is it because they retire or
11 move from the state or just drop out of the law
12 enforcement and is that included in the replenishment
13 rate of the 100 academy members that you get?

14 MR. JETT: It is. We're moving far beyond
15 that. You know, with our traditional funding prior to
16 the sales tax initiative, the County was funded between
17 50 and 75 positions a year. Our attrition rate normally
18 runs between 65 and 100 a year and that's through
19 termination, and just deciding I want to go into the
20 landscaping business or retirement.

21 Now, we're -- our goal is to hire 360 cops a
22 year. This year we're going to hire 300 additional cops
23 by year's end. And attrition is probably somewhere
24 between, again, 65 to a hundred. So we're starting to
25 reach a level where we're moving beyond just replacing

1 cops.

2 MR. PILLA: Thank you.

3 MR. SANCHEZ: We'd like to turn our
4 attention next to -- our other guest that is here, Mr.
5 Gary Peck from the ACLU. And, specifically, Gary, we
6 would like to talk about the community over shootings,
7 and also the proposed inquest changes that you have been
8 involved with on the committee.

9 MR. PECK: Well, let me just say. First of
10 all, I think the issue is broader than shootings. The
11 issue is -- I mean, there are a lot of issues that
12 Assistant Sheriff Jett spoke about. They are very
13 complex and probably deserve day long sessions in their
14 own right.

15 A good example would be the removal of
16 children from homes. I happen to be in negotiations
17 with the County right now with the national organization
18 that advocates for kids. And we believe that removal
19 process is severely flawed, not because of bad faith on
20 the part of the police officers, but it goes to a lot of
21 the kinds of issues that the assistant sheriff was
22 discussing. For example, cultural literacy, and
23 officers who walk into a home, and for a lot of
24 different reasons may remove kids who don't need to be
25 removed at all.

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So there's a lot of issues that have been raised. I think, the use of force issues are themselves also exceedingly complex. And, I guess, in deference to the assistant sheriff, I'll offer the caveat at the outset. And the caveat at the outset -- it's funny. I was just listening to myself on the radio coming in, it was a tape -- a debate that I had had with Dave Callus (phonetic) here yesterday that has the police detective association about the coroner's inquest process.

And as Assistant Sheriff Jett mentioned, I started by saying, I think there's a lot about LVMPD that deserves to be praised. I think there's a lot of about its leadership that deserves to be praised. And, there's obviously -- and I think there's a lot of about the vast majority of its officers that deserve to be praised. But having said that, I think there are some very serious problems and I do think they are systemic problems and not just systemic problems within the department itself. But systemic problems are more broadly understood in our community, and what I think is a breakdown in the system of checks and balances and accountability with respect not only to police shootings, but use of force incidents.

To give you an example, and I don't want to adjudicate particular cases, though, I'm happy to talk

1 about them in great detail. One case that comes
2 immediately to mind involved correction officers at our
3 jail.

4 And these facts are not in dispute, by the
5 way, what to do with the facts is very much in dispute
6 at least in my mind still. They had correction officers
7 who brought M-80s into the jail. M-80s are mini sticks
8 of dynamite. They brought those into the jail. It's
9 illegal to possess them. It's certainly illegal to
10 bring them into the jail. They never proceeded to throw
11 them at inmates who were injured as a result of that.

12 Now, I'm a pretty generous guy, probably
13 more generous in some instances than maybe even the
14 department's leadership would be or certainly within the
15 general public would be about mistakes in these steps
16 that officers make. But to my mind, if that's not a
17 firing offense, I am mystified as to what would
18 constitute a firing offense. It's a circumstance where
19 officers broke not just one law, but multiple laws.

20 And if you flipped this and you imagined for
21 a moment a member of an inmate's family bringing an M-80
22 into the jail, that was then hurled at a corrections
23 officer, I can absolutely assure you without
24 equivocation, there would be charges filed against those
25 people and they would be held to pay -- they would be

1 serious charges. In this instance, there was discipline
2 applied, but the officers were not terminated. It's a
3 complicated story. It's got to do with Civil Service
4 rules, got to deal with boards.

5 And the District Attorney -- the District
6 Attorney's office was quoted, you know, not always
7 accurate, but the quote in the paper was: Well, nobody
8 referred the case to us for possible prosecution. So
9 what the heck? We didn't consider possible prosecution
10 of the correction officers. In my view that is a
11 profound and troubling great down in the system of
12 accountability. And dare I say, that's the risk of
13 being in politics, particularly since I have been
14 invited here, and I'm honored to have been invited here,
15 and I appreciate the opportunity to speak to the issues.

16 We brought this to the attention of the
17 United States Justice Department, because I think it is
18 a case that is emblematical, the breakdown in the
19 system, and we never heard back from them. I wish I
20 could say I was shocked and surprised that -- not
21 hearing back from them. But I'm not. And that's
22 troubling to me as well.

23 Now, with respect to the shootings. I think
24 the assistant sheriff is, of course, absolutely right.
25 There have been a myriad of reasons that help to explain

1 escalating numbers of officer-involved shootings and
2 fatal shootings. And, you know, I would be loathed to
3 pretend to know the answers at this point. But I do
4 think that part of the problem is the culture that
5 prevades the department.

6 And the fact that in some instances there is
7 a lack of proper accountability. And I think that
8 contributes to officers placing themselves in
9 circumstances where deadly force becomes an option where
10 that didn't need to happen. Where, in fact, properly
11 trained, operating properly in the field, resorting to
12 and relying on crisis intervention teams when that's
13 appropriate. Some of these confrontations could have
14 been avoided.

15 To give you another example where Tasers --
16 and I could talk for hours about Tasers. I think the
17 department's policy regarding Tasers -- if I may use a
18 vocalism is a mess. I've read the transcript of the
19 deposition of the sheriff in one of the cases that we
20 are involved in. I have heard the comment of the
21 department management repeatedly. Those statements are
22 themselves very troubling because at the very least,
23 even using Assistant Sheriff Jett's version, there are
24 unanswered questions about just how safe or how lethal
25 the Tasers are.

1 And it's not just -- in fact, just a new
2 study -- just released out of the University of Toronto.
3 Dare I say, it's not simply being hit in the back with a
4 sledgehammer and then standing up and dusting yourself
5 off. And say, Geez, I'm fine and that hurts, but I'm
6 okay. In fact, if I'm not mistaken, unless the case has
7 been resolved, there is a police officer, an LVMPD
8 police officer suing the department over injuries
9 suffered he alleges as a result of having been shot with
10 a Taser during a training program.

11 I don't know how -- it doesn't -- we don't
12 need to adjudicate. I let you talk for a long time.
13 I'll just say that the issue of Tasers, there have been
14 dozens and dozens of Taser-related deaths.

15 Now, Taser International has itself
16 acknowledged in its filings to the Security Exchange
17 Commission because they were being investigated, I might
18 add, that Tasers are not nonlethal. That's the first
19 time that they have ever acknowledged that they're not
20 nonlethal, of course, they continue to advertise that if
21 they are -- but they've acknowledged themselves that
22 they're not nonlethal, and if the company itself is
23 acknowledging that they are not nonlethal, than I
24 believe a professional law enforcement agency has a
25 responsibility now to have a clear, spelled out,

1 well-articulated policy that is part of inservice
2 training that just doesn't stipulate when Tasers
3 shouldn't be used, but stipulate when they should be
4 used and places them in the use of force continuum just
5 below deadly force. That is not how they are being used
6 now. In fact, we have example after example of Tasers
7 being used as compliance tools. And that is not how
8 Tasers are supposed to be used.

9 In one of the cases I'm quite familiar with,
10 I would urge members of this committee to watch the
11 videotape because the videotape exists. There was a
12 gentleman standing in front of a casino. He wasn't
13 behaving threateningly. He wasn't behaving
14 aggressively. Nobody testified that he was. They
15 finally called the police because he seemed to be
16 completely out of it. He was being nonresponsive. In
17 the end, he did have drugs in his system, I believe.
18 I'm not even sure about that.

19 But he was just out of it. He was taking
20 money out of his pockets, throwing money this way and
21 that way. You can watch the tape. The officer arrives
22 on the scene. It takes him not even 30 seconds to get
23 physical with the guy, to grab him by the shoulder. The
24 guy was, gee, nonresponsive since everyone had already
25 said he was nonresponsive. The officer shows up. The

1 officer gets physical with him almost immediately, an
2 altercation occurs. The guy ends perhaps properly
3 strapped to a gurney where he is tased more than once
4 while strapped to the gurney. He caused the officer --
5 and he wasn't even being taken to jail. He was being
6 taken to a mental health facility, but was tased
7 repeatedly because the officer said, He was being
8 noncompliant. We had the Taser. It was for his own
9 good. And that fellow died.

10 Now, we can have a debate about whether or
11 not he died as a result of the use of Tasers. But I
12 think that case too is emblematic of some of the
13 problems that exist in terms of the way in which these
14 situations our handled by officers, not all officers,
15 some officers who are dealing with people who are
16 clearly in a crisis. Okay.

17 The Swuave Lopez case is another good
18 example. So what I would say is a breakdown in the
19 system of accountability. I'm not contrary to what
20 Assistant Sheriff Jett suggested. I'm not here to tell
21 you how any particular coroner's inquest should have
22 turned out. That's not my point.

23 My point is that the inquest process is a
24 sham. It is a charade. It is a dog and pony show and
25 what makes it particularly problematic is it is a sham

1 and a charade of a dog and pony show that is expressly
2 designed to determine whether or not criminal liability
3 should apply when officers are involved in fatalities,
4 an officer-involved fatality, not just shootings.

5 What that means is, when you go through the
6 charade or dog and pony show, and at the end of the day,
7 99.9 percent of the time, the incidents and the
8 fatalities and the officer's actions are deemed to be
9 justifiable, the system is off the hook. The D.A. then
10 says, Hey, what do you want us to do? It's over. The
11 coroner's inquest made a finding. We're done. We're
12 moving on. I think without reform, we're better off
13 without any inquest process than we are with the inquest
14 process that currently exists.

15 Here's the perfect example, the Swuave Lopez
16 case. The only two officers -- there are real questions
17 in my mind -- as Assistant Sheriff Jett suggested, there
18 were double digit officers on the scene. I believe,
19 only three were called to testify during the inquest
20 proceeding. That raises a question in my mind right off
21 the bat. Why the other officers weren't called to
22 testify, even if they were going to get on the stand and
23 say, I saw nothing. I know nothing. You know, sorry, I
24 can't really answer the questions about what actually
25 happened. They could at least have answered questions

1 about tactical deployment, whether or not they were set
2 up in a way to prevent Mr. Lopez' escape, whether or not
3 they were containing the area, doing all the things that
4 Assistant Sheriff Jett I'm sure can talk to you about at
5 great length because of his background and training.
6 They weren't called.

7 Only two officers -- three officers really
8 testified in detail about the actual shooting itself.
9 One was the officer who fired the first shot said he
10 fired it from 20 or 25 feet away couldn't possibly have
11 caught Swuave Lopez. And, you know, it was just doing
12 the best he could.

13 The second officer who testified didn't fire
14 any shot at all. But he said that when the shot was
15 fired, the fatal shot was fired. And that's not in
16 dispute. The second and fatal shot was fired. He was
17 no more than about eight feet away from Swuave Lopez
18 trying to chase him down.

19 He also testified that the officer who fired
20 the fatal shot was about four feet in front of him,
21 between him and Swuave Lopez, when Swuave Lopez -- when
22 he, the officer in between, fired the fatal shot into
23 Mr. Lopez' back. The officer who fired the fatal shot
24 on the other hand said that he was 30 to 35 feet away
25 when he fired that shot. Now, this isn't rocket

1 science. That is a discrepancy that goes to the heart
2 of what the inquest was supposed to be about.

3 It is a -- it is a discrepancy that goes to
4 a central material fact that the inquest proceeding was
5 designed to inquire into. No one asked any questions
6 about that discrepancy, no one. The hearing master and
7 the D.A. did not ask a single question about that. Now,
8 I'm sorry, that is an example of why the system lacks
9 any credibility whatsoever.

10 MR. SANCHEZ: Now, Mr. Peck, you have some
11 recommendations, could you tell us about those?

12 MR. PECK: We have recommendations,
13 although, that's a work in progress. You know, no one
14 has signed off on the rec -- I'm sorry it became a
15 public story because it was a group that included
16 Sheriff Young, the District Attorney, a representative
17 from the Police Protective Association, a representative
18 from the attorney general -- State Attorney General's
19 office, representatives from the County, Dean Ishman
20 from the NAACP, and the head of the Citizen Police
21 Review Board.

22 At current, the proposals that are under
23 consideration would be removing the attorney general. I
24 mean, from removing the District Attorney from the
25 process, because at the very least it creates the

1 appearance of a lack of objectivity. I believe it
2 actually makes it difficult, not because people from the
3 D.A.'s office don't have integrity, but they work hand
4 and gloves with the police every single day. The D.A.
5 has a very close working relationship with the Sheriff.
6 And I just think it's very difficult for them to do
7 their job in an objective and disengaged manner.

8 So one proposal is to replace the D.A. with
9 someone from the attorney general's office. And the
10 second proposal on the table and this is more
11 complicated is to replace the current pool of hearing
12 masters with justices of the peace who have legal
13 training and know how to run judicial and quasi-judicial
14 proceedings.

15 That's complicated, and it's complicated for
16 a number of reasons. One of the reasons it is
17 complicated is we don't create a situation where the
18 rights of the deceased family to go forward with civil
19 litigation are in any way compromised of what we believe
20 would still not be full-blown adversarial judicial
21 proceedings the way it's set up.

22 So we want to make sure that if JPs are
23 going to preside, no one is going to come into court if
24 someone files a civil lawsuit and say, Hey, you already
25 had your day in court. JP presided. You all already

1 got to come in and you were allowed to, you know, be a
2 part of the proceeding. We don't want to foreclose the
3 right of people to go forward with litigation. But
4 we're -- that's one of the proposals on the table.

5 The last and I think the most difficult
6 proposal, and one where we have compromised a great deal
7 would permit interested parties -- which is defined in
8 the ordinance -- interested parties to rise in that
9 venue and to openly, verbally pose questions they
10 believe are relevant, go to material facts that are
11 important for each and any kind of, you know, real
12 determination about what actually happened.

13 MR. SANCHEZ: Which could be the families;
14 is that correct?

15 MR. PECK: Families, representatives of the
16 families, members of the state bar, representatives of
17 civil rights, and civil liberties organizations. It's
18 defined in the ordinance.

19 But we agree those questions would have to
20 be asked through the hearing master. In other words,
21 what we want to avoid is a circumstance where witnesses
22 are being aggressively cross-examined by people who are
23 rising to ask questions. We fully recognize and
24 appreciate and would even defend the rights of police
25 officers that fit the amendment rights against

1 self-incrimination. And we don't want a circumstance
2 where those rights are going to be compromised in a
3 matter that is inappropriate. But it simply cannot be
4 that the position of the PPA is the one that would be
5 embraced by anyone who wants a credible process.

6 And the position heretofore has gone like
7 this. And I think if -- I'm not asking the assistant
8 sheriff to get caught up in the politics of the PPA and
9 the department. But what the PPA has said historically
10 is the community should applaud us for the fact that
11 officers step forward and participate in these public
12 proceedings. They're transparent and that's wonderful.

13 But here are the ground rules. Officers
14 will participate in public proceedings designed to
15 determine whether or not liability should apply as a
16 result of their accounts. But only if we could be
17 assured that no one is going to ask us questions that
18 expose us to liability.

19 Now, I dare say again this isn't rocket
20 science. I would say it the following way -- and I
21 don't think they would. I don't think they sort of
22 processed this to be fair to them. But what they're
23 saying essentially at least in the minds of the
24 significant segment of the public is, We'll participate
25 in a public process as long as the process is rigged.

1 If the process is rigged, we're happy to sit there and
2 answer all your questions. But as soon as they become
3 tough, challenging, probing questions that bring into
4 question our version of what occurred, we don't go down
5 that road. And that's a problem. And, in fact, I've
6 heard one of the problems that the assistant sheriff
7 talked about -- and I think it is a problem, it's our
8 state law.

9 By the way, that doesn't foreclose the
10 federal government from coming in and prosecuting for
11 civil rights violations. Again, forgive me for being
12 not jaded is the word we have used. I'd be looking for
13 the federal government to do that if the federal
14 government actually had a track record that suggested
15 that they were willing to do so. Sorry. I don't see
16 that in my experience here in Las Vegas.

17 But having said that and be that as it may,
18 you know, the problem here is that we need a system that
19 isn't rigged. We need a system that really does in a
20 meaningful way get at the facts. We need a system that
21 accommodates both officer's rights against
22 self-incrimination, but also the public's right to know
23 about these things, and to know what actually happened.

24 And the PPA, the head of the PPA can listen
25 to the broadcast today. I like him. I actually do.

1 And I respect him, and I commend the labor movement. I
2 don't begrudge him being a zealous and tough advocate
3 for his members. That's his job. God bless him for
4 doing his job. But when he says -- the only thing that
5 really matters is what goes on in the officer's head.
6 That's what we're really here to find out. What did the
7 officer think? Because at the end of the day, pursuant
8 to our state laws, I mean, that's really all that
9 matters. If the officer can articulate some, you know,
10 God fear or sense of danger or a threat to a public
11 safety. That's good enough. That's all that counts.
12 I'm not buying that and neither is the public.

13 The public doesn't just want to know what
14 the officer thought. If, in fact, the fatal shot in the
15 Swuave Lopez case was fired from four feet away into
16 Mr. Lopez' back by a young physically fit officer. When
17 there were more than a dozen police officers on the
18 scene and it was in an enclosed area, the public has a
19 right to know why. And what exactly happened. And
20 whether or not the judgment that was exercised was good
21 judgment or bad judgment. And that doesn't mean -- I
22 want to be emphatic about this.

23 I have not made any conclusion. I've not
24 reached any conclusions about that even in the Swuave
25 Lopez case. I don't know the answers to that, but

1 that's the problem. When the questions aren't asked and
 2 they remained unanswered, that's the problem. The Use
 3 of Force Board -- I happen to know because I taught the
 4 Metro's management. That discrepancy still has not been
 5 aggressively explored or explained or answered. I've
 6 got the videotapes of the testimony. I'm happy to share
 7 those with the members of this committee. It is pretty
 8 straightforward and it's not a circumstance where you're
 9 talking about people who were triangulated.

10 You know, one guy is 50 feet over there.
 11 One guy is 75 feet over there. And another guy is 50
 12 feet over there. You have got an officer saying, I was
 13 eight feet from Mr. Lopez. Four feet in front of me was
 14 the detective who fired the shot. He was about four
 15 feet away from Mr. Lopez. And you've got the other
 16 officers saying I was 30 to 35 feet away.

17 Again, I'm not criminalizing even if it was
 18 a bad call. And I don't know that it was. But even if
 19 it was a bad call, I'm not here to say the officer who
 20 fired that shot is a criminal or behaved criminally.
 21 I'm here to say that the coroner's inquest was a joke.
 22 It was a sham. And a lot of people in the public
 23 understand that.

24 The latest inquest is another example. Yet
 25 officers are stepping forward, and the testimony was

1 basically -- and I've heard management from Metro talk
2 about this case. Okay. It's a guy sitting in his car
3 playing music too loud.

4 Now, again, I don't want adjudicate the fact
5 of the case. And I'm not here to tell you it wasn't a
6 justifiable situation. But here's what I'm hear to tell
7 you. I listened to the officer's testimony. I walked
8 up to the car. I put my hand in the car. Well, how did
9 you end up in the car? How did that happen? Why were
10 you in the car in a circumstance where the underlying
11 events was playing your music too loud? Well, I don't
12 remember a thing. I just don't remember. All I
13 remember is I put my hand in the car. I don't remember
14 a thing.

15 The officer on the other side of the car
16 looking in the window testifies, I don't know. I saw a
17 lot of stuff, but I just didn't see that. I just don't
18 know how he ended up in the car.

19 Now, you would at least expect some kind of
20 probing questions about that. Like, well, can you -- I
21 mean, what do you mean you don't remember. I mean, are
22 you at all troubled by the fact that the underlying
23 offense was playing music too loud and somehow you ended
24 up in the car. And I know that the assistant sheriff --
25 and I commended the department for this -- has tried to

1 address this issue because it's not the first time that
2 it's happened. It's not the first time that an officer
3 has ended up inside a car and having to resort to deadly
4 force when -- if you step back and look at the
5 situation, you think, geez, I don't know. That's not
6 the way I think it should have been handled.

7 Again, I'm not alleging criminality. I'm
8 not even reaching a determination about any one of these
9 -- granted some because we're party to lawsuits. But, I
10 mean, in general, I don't prejudge these cases. I
11 really don't. It's troubling to me, by the way, that
12 the department almost always steps forward immediately
13 after a shooting and says the following -- you check it
14 out and read the papers -- looks like everything was
15 great. Everything was warranted. The officers behaved
16 properly. But don't worry, we're going to do a thorough
17 investigation into this to determine whether or not
18 that's true. That to my mind already evidenced a kind
19 of bias going in. It's sort of based on what we know,
20 everything is great. But let's not worry. We're going
21 to look into it.

22 I would be much more comfortable if the
23 department said, You know what? We are not in a
24 position to tell you whether or not this was justifiable
25 or not justifiable. We are going to do a real and

1 thorough investigation. At the very least that would
2 inspire more confidence of the members of the public who
3 constantly are saying this. You know, I read the
4 article. Here's what the department -- here's what the
5 spokespeople for the department said. They start out by
6 saying, Everything is great. Everything is fine. Don't
7 worry. We're looking into it. And that just isn't the
8 way to inspire confidence.

9 I think a lot of the statements that the
10 department undermine -- tend to undermine confidence at
11 least in the credit -- and I agree with him, by the way.
12 I think the majority of the public thinks highly of the
13 department, has confidence in officers, thinks the
14 department does its job professionally. But that
15 doesn't go to the question of whether or not they think
16 the department does a good job in investigating these
17 kinds of incidents and holding officers accountable.

18 The Taser example is another good one.
19 Somebody dies while in handcuffs tased. The department
20 says we're going to have a policy. We're not going to
21 tase people in handcuffs. The guy I was telling you
22 about he was tased repeatedly and died on a gurney. He
23 may or may not have been in handcuffs, and the statement
24 by one of the deputy chiefs, Well, you know, maybe he
25 was tased in handcuffs, but we meant people who were

1 under arrest. We're not going to tase people in
2 handcuffs if they're under arrest. He wasn't under
3 arrest. He was just being taken to a mental health
4 facility.

5 MR. SANCHEZ: Gary, let me stop you here,
6 because you've just raised a question that I'd like to
7 get a response from the assistant sheriff.

8 In the Las Vegas Sun, there's an article
9 that appeared: Fewer citizens' complaints put cops on
10 beats. The issue of internal investigation is such that
11 the IA people -- you don't have enough complaints, so
12 you had to put some of your people on the streets.
13 What's going on? On one hand, we hear Mr. Peck talking
14 about the fact that Metro should do a proper job in
15 investigating themselves, and yet the Internal Affairs
16 Bureau here has fewer complaints.

17 So what's the contradiction?

18 MR. PECK: May I -- before the assistant
19 sheriff -- in fairness, please.

20 I commend the department for acknowledging
21 that they can't really tell you why there's a reduction
22 in complaints. And no expert around the country is
23 going to tell you that they know why there is a
24 reduction in complaints. One possibility -- and, again,
25 I'm not prejudging this that people don't have

1 confidence in the internal process, and they just don't
2 lodge complaints. One possibility is that there's
3 actually less to complain about. I mean, there are a
4 lot of ways of trying to understand and account for the
5 number of complaints.

6 I would argue, by the way, that the way that
7 the coroner's inquest process is conducted because it
8 does not inspire public confidence, people may
9 incorrectly conclude, Well, you know, that's why they
10 handle things. Why go to the department if the whole
11 thing is a sham anyway? What's the point in going to
12 the department.

13 But I do think it's also important to say --
14 and we're not about the business about micro-managing
15 Metro, but I share the concerns of the head of the
16 Citizen Police Review Board about the redeployment of
17 officers to other jobs even with the reduction or the
18 number of complaints, because the question is: How
19 thoroughly can they be investigated? Can they be
20 investigated aggressively and thoroughly? And I would
21 urge you not redeploying -- again, as an outsider, I
22 confess that I would urge not redeploying those officers
23 to give this a period -- a sort of cooling off period,
24 if you will, to see what happens in the next six months
25 or year. And then make a determination about whether or

1 not those officers ought to be redeployed.

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2 But I also think in fairness, I must say,
3 when we have people who come to us with very serious
4 complaints that we think are credible, we don't send
5 them to IA. We send them to a lawyer. And we tell them
6 that the first stop should be a lawyer's office and if
7 they are going to go in and sit down and talk to IAD,
8 they should do so with an attorney with them to make
9 sure that anything that they say isn't going to then to
10 come back to haunt them if they decide that they are
11 going to file a civil lawsuit.

12 Also, we are in a state -- and we will be
13 challenging to do it now for two years. So much to do,
14 so little time, the assistant sheriff can empathize with
15 me. We have a law that criminalizes of making false
16 complaints.

17 MR. SANCHEZ: Sure.

18 MR. PECK: And it is a law that we believe
19 is plainly unconstitutional, an earlier version of that
20 law was struck down as unconstitutional. There's now a
21 new version -- we think the new version is also
22 unconstitutional and think it inhibits people from
23 coming in and filing complaints, basically.

24 MR. SANCHEZ: For the record, Assistant
25 Sheriff, would you respond to that issue about the

MR. JETT: Okay. Wow. First of all, I'm really -- I'm saddened by the fact that Gary knows so much about our organization and works so closely with it. In my opinion, has such a troubling opinion about it. And there's a lot of things about the inquest that we certainly won't disagree about. As far as IAD is concerned, I was one of the two IAD lieutenants assigned from 2002 to 2003 prior to being promoted to captain. So I have a personal knowledge about the inner workings of Internal Affairs.

I can tell you one of the reasons that complaints have been reduced is because when people do walk through the doors in Internal Affairs, they do have a confidence level. They can believe that their complaints are going to be scrutinized and investigated. And I'll tell you this, Gary, I don't think it's about anything that our department has created as far as generated confidence in the public. I think it all -- 90 percent of the credit goes to the Civilian Review Board.

Anytime anybody walks into the Internal Affairs, and they're not satisfied with the disposition of the investigation, the final disposition that they're given gives them their appeal process. And that appeal

1 process is the Civilian Review Board. Now, once that
2 person goes to the Civilian Review Board, under abetment
3 as the authority to have that case reopened and
4 reinvestigated by a totally different set of
5 investigators.

6 So I believe that the reason why complaints
7 are down 25 percent, it's because in 2004 we sent 22
8 police officers to the Predetermine Board, the highest
9 number in the history of our department. Now, granted
10 that you've made note of a couple of incidents where I
11 don't think that the problems are systemic on our
12 department. You've noted a few isolated incidents. I
13 can give you another one. The Palace Station. We
14 terminated the officer that was involved in the Palace
15 Station that was on video. But through our appeal
16 process of civil service, we were ordered to take that
17 officer back. Same set of circumstances occurred with
18 the officers involved in the jail incidents with the
19 M-80s that you alluded to.

20 I think it's unfair -- first of all, I
21 think, it's unfair to categorize and mix management with
22 the Police Protective Association, two totally different
23 entities. You're right, the PPA -- they are total
24 advocates for the masses -- for the troops that they
25 represent. They do not dictate or generate department

1 policy, nor do they speak of the department's
2 philosophy. Now, let's make an accomplishment through
3 the negotiation process. So I think it's unfair to say
4 that we don't aggressively investigate and hold our
5 members accountable for major misconduct. I totally
6 agree with you. Taking -- it could have been regular
7 firecrackers into the jail. It's totally
8 unprofessional.

9 MR. PECK: It's illegal.

10 MR. JETT: Illegal and unprofessional, but
11 we know -- when you state that the citizen would come in
12 with the same thing, I agree that person would have been
13 arrested, charged, and never allowed to come to the jail
14 again. Now, we aggressively investigated that case, and
15 we tried to terminate the officers and because of the
16 internal process which involves civil service,
17 collective bargaining, and a host of other issues
18 connected with labor management, we were unable to do
19 that.

20 MR. PECK: Well, I understand that you tried
21 to terminate one of the officers, the less senior. The
22 more senior, the recommendation was to not terminate the
23 officer, but to suspend the officer.

24 MR. JETT: Okay. I'm not sure about
25 details, Gary.

1 MR. PECK: I am. Because it's a lawsuit.

2 MR. JETT: Okay. Our organization is no
3 different than any others. If you have a tenured
4 employee who has no major misconduct in their history of
5 working through your organization that's mitigated that
6 has got to be taken into consideration for a person who
7 brings value to the organization, it does no good -- it
8 does us no good to spend a hundred -- upwards of
9 \$100,000, a person who has been on our agency for 10 to
10 15 years, they have one episode of misconduct in their
11 career and we get rid of all that experience that that
12 person brings to the organization.

13 MR. PECK: And I think again, and because
14 you and I -- I hear you and I respect your point of
15 view. That really is fundamentally the crux of the
16 matter. That's -- I only use this case because I think
17 it's emblematic of the kind of thought process --

18 MR. JETT: That's where we disagree, Gary.

19 MR. PECK: -- in the culture. Here's the
20 bottom line when the transgression is egregious enough,
21 it doesn't matter if you have invested a hundred
22 thousand dollars in that officer. It doesn't matter if
23 the officer has a clear record.

24 In this instance, you are talking about --
25 first of all, you're talking about inmates who are

1 exceedingly vulnerable. You understand that. I
2 understand that. You're talking about corrections
3 officers in a highly controlled environment. I've
4 talked to any number of corrections officers about this
5 incident. They are themselves embarrassed by it. They
6 are themselves embarrassed by the fact that that officer
7 remains on the force. They believe that officer gives
8 all of them a bad name.

9 So look -- I mean, we could -- I mean, we
10 could sit here and debate particular cases, I think.
11 And I want to be clear. I started by saying there's a
12 lot about the department that I would be the first to
13 praise.

14 It is true that the performance of IAD has
15 improved. It is true that the Citizen's Police Review
16 Board has made an immense difference -- good God. We
17 spent an immense amount of time fighting for the
18 creation of that Citizen Review Board. But I think it's
19 important to acknowledge that the Citizen Review Board
20 itself has found a number of cases where investigations
21 that IAD have been shy, have been unprofessional.

22 MR. JETT: They found three since the --

23 MR. PECK: I think I believe it's more than
24 three.

25 MR. JETT: They found three since the

1 inception.

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2 MR. PECK: I believe it's more than three,
3 and I would urge you to talk to the head of the Citizen
4 --

5 MR. SANCHEZ: Can we get back? And let him
6 finish the question that I asked which is your
7 particular, I believe --

8 MR. JETT: Well, I want to talk about the
9 quality of investigations also.

10 MR. SANCHEZ: Yes.

11 MR. JETT: I know some people think that the
12 -- because we have reduced the number of officers
13 assigned to Internal Affairs that the quality of the
14 investigation would deteriorate. I totally disagree
15 with that. The quality of the investigations, the way
16 the investigations are done. The oversight of the
17 investigations, that has not changed. Once an
18 investigation is done, it is reviewed by the sergeant.
19 It's reviewed by the lieutenant. It is reviewed by the
20 captain. It's reviewed by the deputy chief.

21 Then it's reviewed by labor relations. And
22 the disposition of the case in major incidents is
23 discussed with command staff to ensure that misconduct
24 has been identified, that the officer is held
25 accountable for his or her actions. We got to a point

1 where we had teams of officers assigned to Internal
2 Affairs where there were no assigned cases day by day.
3 It made no sense from a manpower standpoint. When you
4 look at the challenges, when you look at the escalation
5 in violent crime, it's valid to keep experienced police
6 officers to go back to the street and assist in calls
7 for service assigned to Internal Affairs.

8 Now, we certainly have this option and this
9 can be done just as quickly as it was for taking the
10 officers out. If we see an increase in the number of
11 complaints being generated in Internal Affairs, we can
12 certainly reassign officers back to Internal Affairs.
13 It wasn't a stop-all measure that the officers are going
14 to be permanently taken out of Internal Affairs and not
15 reassigned to the unit. We made a management decision
16 which we thought was based on the credible indigents.

17 But the fact that we had a 25 percent
18 reduction in the number of complaints being generated in
19 Internal Affairs of personally working there. Even the
20 first -- people who had exhibited some kind of mental
21 illness and, you know, I mean multiple times. Whatever
22 complaint you walk through the door with, that complaint
23 is documented and that complaint is investigated. And
24 now if it's a person -- I would say who we know who has
25 an obvious mental illness, and they come in once a week

1 which frequently happens in Internal Affairs, that

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2 complaint --

3 MR. PECK: That client was at the ACLU too.

4 MR. JETT: Okay.

5 MR. PECK: I knew it had to be --

6 MR. JETT: Those complaints are still
7 documented, because we don't want to be accused of not
8 -- of not taking every complaint that comes in through
9 our organization.

10 And one of the things that you talked about
11 was the system is being challenged with being charged of
12 making false complaints. We have had this discussion
13 many times in our organization. And there's a law in
14 the books right now where we could charge a citizen who
15 is filing a false police report.

16 And this conversation frequently comes up --
17 frequently alleged that vice officers have exchanged for
18 not being booked and the prostitute engages in sexual
19 acts with them. The officer doesn't arrest them. We
20 have had conversations about when we have proven without
21 a doubt that the person has made a false complaint of
22 charging that person.

23 It's our department philosophy based on just
24 what your concern is that we never want to charge a
25 person with making a false report because we don't

1 discourage our citizens from feeling comfortable coming
2 into Internal Affairs or calling on our organization in
3 making a complaint, whether it be false or not.

4 Now, that frequently -- that probably
5 happens 10 times a year where a prostitute or somebody
6 else makes a false allegation against an officer. That
7 complaint has to be investigated. It is thoroughly
8 investigated, because we take that very serious. And
9 our administration has a policy with Internal Affairs
10 that no person will be charged with filing a false
11 police report.

12 So even if the legislature generates another
13 part to the law that you think will inhibit or prevent
14 people coming in from making police reports, our
15 department organization will not file a report.

16 MR. PECK: Well, once again --

17 MR. SANCHEZ: Gentleman, we only have
18 15 minutes left in this hearing.

19 MR. PECK: Yeah. I mean, I think it's
20 important because we are involved in a litigation over
21 this issue. And, of course, you can claim that it is
22 just an isolated incident, and I would argue that it's
23 not at all.

24 You know, in the first lawsuit we brought
25 challenging the first version of that law that

1 criminalizes making false complaints. We were
2 representing a former State Senator who plainly was
3 threatened with prostitution. She came in. She filed a
4 complaint. She said she believed that she saw an
5 officer using excessive force. And she was told that if
6 she persisted in making that complaint, she would be
7 prosecuted. Now, that's a problem. It's all well and
8 good.

9 MR. JETT: That's an obligation, Gary.

10 MR. PECK: Well, it's all well and good to
11 talk. Well, it's a signed affidavit under oath from a
12 former state legislator who had a long track history --
13 a long track record of being pro law enforcement. One
14 wonders if that's the department's policy --

15 MR. JETT: Okay. You're going to find the
16 case of where --

17 MR. PECK: One wonders if that is the
18 department's policy --

19 MR. JETT: It is not.

20 MR. PECK: No. If it's the department's
21 policy to not prosecute people where the department was
22 during the last legislative session when we were
23 lobbying against creating a new law that would clearly
24 be a disincentive to people who might otherwise file a
25 complaint against a police officer, why wasn't the

2 MR. JETT: Because we can't operate in a
3 vacuum. You have to understand, there's a certain
4 segment in society, if we did go up and lobby with you,
5 they will look at that as the department taking the
6 position that no matter what you come in and say to our
7 organization and document on a criminal complaint that
8 you won't be prosecuted.

9 Now, people need to understand that there's
10 consequences for making false accusations. However, our
11 department does not want to promote an environment
12 within our agency that discourages citizens for feeling
13 comfortable coming in making a complaint.

14 MR. PECK: Well, then, when we then lobby
15 for modifying or -- I'm really not finding that terribly
16 persuasive. But in any event, that's not new. That's
17 editorial comment. They certainly could have come in
18 and lobbied for the version of the law that we were
19 recommending which would have made it constitutional, by
20 the way, which would have said, It's a crime to make a
21 false complaint, and it's a crime for a police officer
22 to make a false statement in response to a false
23 complaint.

24 MR. SANCHEZ: Gentlemen, we have ten minutes
25 of the hearing. Gary, if you would like to make any

1 final comments before the committee and then we'll go to
2 Assistant Sheriff Jett. I would like to keep this
3 meeting on time. We have ten minutes.

4 MR. PECK: Yeah. I would like to say again,
5 you know, there's a lot about the department and the
6 department's leadership that deserves to be praised.
7 I'm troubled as the assistant sheriff is troubled that
8 I'm lodging criticisms. I'm troubled by the fact that
9 despite, in general, my statement that there's a lot
10 about the department to be praised and commended, and a
11 lot about its leadership to be praised and commended.
12 What I hear again, and what I here oftentimes in this
13 professional role is the most rosy picture imaginable,
14 and the unwillingness to say, Geez, maybe you got a
15 point there.

16 You know, for instance, when the ACLU -- I
17 would be the first to say, the ACLU probably is not in
18 the best position to be the final judge about whether or
19 not ACLU employees are behaving properly in its
20 relationships with the public. I don't have a problem
21 saying that. It's pretty -- you know, anyone who is a
22 student of psychology and sociology would understand
23 that. Yet police departments consistently have a
24 difficult time just stepping forward and saying, Geez,
25 you got a point. We understand what you're saying. You

1 got a point. The inquest process is a perfect example. 75

2 For a law that -- the law that criminalizes
3 making false complaints is another perfect example. The
4 Taser policy is another example. I mean, there's an
5 array of issues and circumstances where sometimes the
6 department does step forward, particularly, the current
7 sheriff who I really have immensely high regard for, but
8 sometimes they don't. And it will be nice for the
9 department to say, You know, sometimes we don't and it's
10 a problem.

11 MR. SANCHEZ: The point is well taken. Can
12 we have a final comment --

13 MR. PECK: Sure.

14 MR. SANCHEZ: -- from our Assistant Sheriff
15 Jett, and then any questions.

16 MR. JETT: I'll try to make this very quick.
17 You know, I totally disagree that this administration
18 has been forthright, and you haven't seen a change of
19 dynamics in the way we address our community. I don't
20 think you will find anybody more forthright than myself.
21 And sometimes that's to my detriment.

22 Additionally, I think you've seen
23 Undersheriff Gillespie during the past year when he's
24 talking about officer-involved shootings involving
25 fatalities. Framed in the framework that you would like

1 to see -- even to his judgment that the Swuave Lopez
2 shooting created untold internal strife because the
3 comments that the undersheriff made in his television
4 interview -- that the administration wasn't supported
5 with the troops and things of that nature. What we try
6 to do is balance the need to the community and the
7 morale of our organization. And I don't think you've
8 seen that anymore than you've seen since the young
9 administration came on board.

10 I just have to touch on the Taser policy. I
11 totally disagree. We don't have a policy in place that
12 gives our officers clear direction on utilization of the
13 policy. Now, if you disagree where the Taser is placed,
14 that's your opinion, and the ACLU's opinion. But the
15 department has a different position on where the Taser
16 should be placed and --

17 MR. PECK: Could you tell us where it is
18 placed and whether or not it can be used as a compliance
19 tool?

20 MR. JETT: It cannot be used as a compliance
21 tool. It's placed in --

22 MR. PECK: And is that in writing? Because
23 we've never been able to --

24 MR. JETT: Sure is.

25 MR. PECK: Well, we'd love to see that.

1 That would be very helpful to see a written policy that
2 says, These weapons cannot be used as a compliance tool
3 would be very, very helpful.

4 MR. JETT: It's clearly stated that it
5 cannot be used as a compliance tool.

6 MR. PECK: I'd love to see it.

7 MR. JETT: Because you won't stand up out of
8 a chair -- you do not have the authority as an LVMPD
9 officer to tase that person to gain compliance.

10 MR. PECK: Love to see the written policy.
11 I haven't seen it yet, love to see it.

12 MR. SANCHEZ: Continue Assistant Sheriff.

13 MR. JETT: You talked about the cultural
14 ignorance about walking in houses and that contributes
15 to the number of children who are unjustly taken out.

16 MR. PECK: I don't think I used the term
17 "ignorance" at all.

18 MR. JETT: Cultural --

19 MR. PECK: Insensitivity and a lack of
20 cultural literacy. Most of the experts within the
21 county sitting around the table are in agreement. And I
22 know they've started a discussion with the sheriff about
23 this.

24 MR. JETT: And I totally agree with you.
25 But you need to put it in a context in which the

1 organization has been operating.

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2 MR. PECK: Absolutely.

3 MR. JETT: Law enforcement has gone into
4 troubled homes and looking at the living conditions of
5 the home, and we have one or two choices: To leave a
6 child in the home or to take a child to a place where we
7 know that they're in a safe environment -- an
8 environment that exists. Now, that's the balancing act.
9 Don't take the child and harm comes to the child, the
10 department is liable.

11 Now, the County has just stepped forward and
12 given the police organization a different option. Now,
13 the County wants Social Services -- wants to send an
14 assessment team out -- three person assessment team, and
15 they're going to make the decision, social workers,
16 professionals from Social Services is going to make the
17 decision as to whether or not the child is to be taken
18 out of the home.

19 Now, prior to 2000, LVMPD officers were
20 tasked, obligated, and mandated to go in a home and
21 determine whether or not that child was in a safe
22 environment, so --

23 MR. PECK: I think you're being unduly
24 defensive. I wasn't being hypercritical about the --

25 MR. SANCHEZ: Please let him finish his

1 context.

2 MR. JETT: Yeah, please, Gary. I'm agreeing
3 with you. I'm trying to touch on some topics to where
4 you say that we don't acknowledge that there's room for
5 improvement. And I would be the last person to say that
6 the department is rosy. I think we're a fine
7 organization. I think we are one of the finest
8 organizations in the world. I do think there's room for
9 improvement which is the reason I'm still here.

10 I agree with most of what you said about the
11 coroner's inquest. I think all of a sudden it sounded
12 like that can be shown on the process that is a good
13 thing. I agree that family members should be allowed to
14 ask questions. But for -- but for you to use the PPA's
15 assessments and comments about the coroner's inquest and
16 equate that to the department's stance on coroner's
17 inquest is unfair.

18 MR. PECK: I don't think I did that. I said
19 the sheriffs at the table negotiated with us. I have
20 heard the sheriff's comments. I understand the
21 sheriff's and the department's position on this.

22 MR. SANCHEZ: Before we conclude this
23 hearing, are there any comments from the committee
24 members? Any questions before we finalize this meeting?
25 Unfortunately, we need to conclude this meeting by

1 12:00.

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2 So this concludes the session conducted by
3 The Nevada Advisory Committee for the United States
4 Commission on Civil Rights. We thank both of the
5 participants for their candor and comments. And we'll
6 wait for the transcript of these proceedings. And
7 please remember that the record of this meeting will
8 remain open for a period of 30 days following our
9 conclusion today. The Advisory Committee will evaluate
10 the material that has been collected and determine based
11 upon agency budget if additional briefing meetings will
12 be necessary.

13 We thank you and we stand adjourned.

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15 (Whereupon, the proceedings concluded
16 at 11:55 a.m.)
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CERTIFICATE OF REPORTER

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STATE OF NEVADA)
) ss:
 COUNTY OF CLARK)

I, Cindy R. Bowden, a duly commissioned Notary Public, Clark County, State of Nevada, do hereby certify that I took down in shorthand (Stenotype) all of the proceedings had in the before-entitled matter at the time and place indicated; and that thereafter said shorthand notes were transcribed into typewriting at and under my direction and supervision and the foregoing transcript constitutes a full, true and accurate record of the proceedings had.

IN WITNESS WHEREOF, I have set my hand in my office in the County of Clark, State of Nevada, this 29th day of September, 2006.


 CINDY R. BOWDEN, CCR #815