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Veil v. Bennett, 131 Nev. Adv. Op. 22 (Apr. 30, 2015)

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ARREST WARRANTS: SHERIFF'S DUTIES

Summary

The Court held that, although a sheriff has a duty to diligently execute arrest warrants, he is within his discretion to determine how to best execute the arrest warrants. The statute does not impose a duty to enter the warrant information into an electronic database.

Background

When Allen Veil became Sheriff of Lyon County in 2007, sheriff's office employees entered information from all arrest warrants into various electronic databases. In 2009, Sherriff Veil proposed shifting part of this task to the justice courts of Lyon County. The Sherriff's office employees would continue to enter the information from any justice court issued warrants based on Sherriff's Office investigations. The justice courts would then enter information from any warrants issued by the justice courts, such as warrants arising from a failure to appear. Later, the Sherriff's Office ceased entering information from arrest warrants that were not based on Sherriff's Office investigations.

The two Justices of the Peace that were not in agreement with the proposal petitioned the district court for a writ of mandamus to compel Sheriff Veil to enter information for all warrants. The district court granted the petition and found NRS 248.100 imposed a duty on the Sherriff to execute warrants, and this included entering information into electronic databases.

Discussion

The Court reiterated a writ of mandamus is available to compel performance of a duty that results from an office, trust, or station.² When the petition for a writ includes questions of statutory construction the court will review the lower court's decision de novo.

According to NRS 248.100, the sheriff shall "execute the process, writs or warrants of courts of justice . . . when delivered to the sheriff for that purpose."³ The word "execute" is not defined in the statute, but is otherwise defined as "to perform or complete." Likewise, an arrest warrant is defined as a "warrant directing law enforcement to arrest and bring the person to court." The task is executed when the person is brought to court, not when the information is entered into a database. NRS 248.100 therefore requires the sheriff to arrest the person, but imposes no duty to enter the information into a database.

¹ By Jaymes Orr.

² *Int'l Game Tech., Inc. v. Second Jud. Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008).

³ *See* NEV. REV. STAT. § 248.100.

Conclusion

Sherriff Veil must act diligently in his duty to execute arrest warrants, but it is within his discretion to determine how to best execute the arrest warrants. Entering information into a database may facilitate the law enforcement process, but the Court will not grant an additional duty without legislative involvement.

Concurrence

The writ of mandamus should be vacated on the grounds that the interested parties did not demonstrate that the Sheriff has a clear duty to enter the warrants in “whatever databases there are.” However, the Court should have left for another day the broader question of the Sheriff’s discretionary duties in respect to entering information into a database. Because of the modernization of law enforcement infrastructure, the entering of information into an electronic database may be necessary in the diligent enforcement of the Sheriff’s duty.