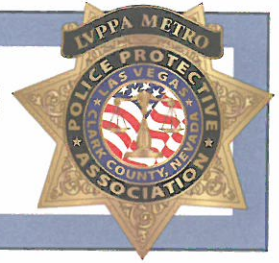




Las Vegas Police Protective Association Metro, Inc.



To: Coleen Rauh, Deputy City Marshall
From: David Roger, General Counsel *DR*
Re: Deputy City Marshal Jurisdiction
Date: January 22, 2014

BACKGROUND

You have asked for an opinion concerning the parameters of a Deputy City Marshal's jurisdiction to enforce laws. Specifically, you inquired whether a Deputy Marshal, who is assigned to a multi-jurisdictional task force, is vested with unlimited police powers. If not, may the Sheriff or a Police Chief deputize the Deputy Marshal to convey unlimited authority to the Deputy?

CITY MARSHAL JURISDICTION

While a Deputy City Marshal is a peace officer and may enforce state laws, the legislature has restricted their jurisdiction. ¹ NRS 280.125 allows the City of Las Vegas to create a Marshal unit subject to certain restrictions. The City of Las Vegas, pursuant to the statutory authority, enacted LVMC 2.28.080 which provides:

The authority and jurisdiction of the City Marshal is limited to:

- (A) The issuance of citations in accordance with the provisions of NRS 171.17751;
- (B) The enforcement of State laws and City and County ordinances on real property owned, leased or otherwise under the control of the City of Las Vegas;
- (C) The service of warrants of arrest issued pursuant to NRS 5.060;
and

¹ NRS 289.150 (2) provides that City Marshals have the powers of a peace officer.

(D) The removal of abandoned vehicles as authorized by NRS 487.230.

Thus, Deputy City Marshals may issue citations for violations of city ordinances; serve warrants issued by the Municipal Courts; and tow abandoned vehicles. Additionally, Deputy City Marshals may enforce state laws and City and County ordinances on city property.²

Conversely, Marshals do not have authority to enforce state laws in Clark County's jurisdiction without an agreement with LVMPD or another political subdivision of the State.

SHERIFF'S AUTHORITY TO DEPUTIZE CITY MARSHALS

NRS 248.045 (1) states, " The sheriff of a metropolitan police department may appoint one or more police officers who have the same powers and duties as deputy sheriffs. The appointment and removal of those police officers by the sheriff of a metropolitan police department must be made in accordance with the provisions of the civil service system for the department."

The Sheriff does not have authority to deputize City Marshals. The Sheriff's authority to appoint police officers is limited by the civil service system.

LAW ENFORCEMENT INTERLOCAL AGREEMENT

NRS 277.110 (1) provides:

1. Any power, privilege or authority exercised or capable of exercise by a public agency of this State, including, but not limited to, law enforcement, may be exercised jointly with any other public agency of this State, and jointly with any public agency of any other state or of the United States to the extent that the laws of such other state or of the United States permit such joint exercise. Any agency of this State when acting jointly with any other public agency may exercise all the powers, privileges and authority conferred by NRS 277.080 to 277.180, inclusive, upon a public agency.

2. Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of NRS 277.080 to 277.170, inclusive.

² While Deputy City Marshals are authorized to investigate state laws, they must notify LVMPD of Category A felonies and transfer the investigation to the Department. NRS 171.1223 (1).

Additionally, NRS 277.180 (3)(f) specifically allows the city to enter into an interlocal agreement for, “The joint and cooperative use of law enforcement agencies.”

These statutes allow public agencies to enter into interlocal agreements to provide police services.³ However, as a word of caution to Deputy City Marshals, the authority to participate in a task force, and exercise police powers in excess of the statutory limitations, flows from a valid interlocal agreement approved by the City Council. Failure to obtain such approval may result in the City refusing to provide Deputy City Marshals with a legal defense if the officers are sued.

³ NRS 277.100 (1) defines “Public Agency” as a political subdivision. Thus, the City of Las Vegas may enter into an interlocal agreement with LVMPD or another political subdivision.