

January 8, 1976

For a sheriff to appoint special deputies he has to give to the board, in writing, a justification for these deputies, a list of the people that he wants, and then request them, naturally, from the board. Then, in Sub-section 3, the county board will establish standards and regulations for these people relative to the weapons, the equipment, and the training that they will receive. This will ensure against a situation that exists now in Omaha where anybody who's a special deputy can buy any kind of gun that he wants. One guy might have one of those long Buntline specials, another man one of those little short ones that is more effective in hitting somebody up side the head with than trying to shoot them. But there should be uniformity in law enforcement operations, even when it comes to equipment and firearms. That's why the State Patrol, the Sheriff's Department, when it comes to sworn personnel, and the police divisions will have very stringent requirements with reference to the uniformity of equipment, weaponry, and even ammunition. I'm sure that you know at the federal level with the Secret Service and the F.B.I. there are uniform provisions. Because special deputies ... the term indicates that they are unusual, there would have to be a situation existing justifying their cause. So the sheriff would have to declare the kind of emergency situation envisioned by the Statutes that already exist now to justify calling these people. He would have to declare that such an emergency exists. After making this declaration public then he would notify the deputies that they will be activated, not just in a general way. He would contact them specifically. He could activate any or all of those that the county board has authorized him to have.

When the emergency situation no longer exists requiring the utilization of these people then these special deputies no longer serve in a law enforcement role. In that case, he could not come up to you on the street and draw a gun in your nose and put a badge between your eyes and say "You're in the clutches of the law". He then is stripped of all that law enforcement function, and returned to the status of an ordinary citizen, which is as it should be.

I think all of these amendments are reasonable. I think they do not contradict the original purpose of the Statute that allowed the appointment of special deputies in the first place. Corrective legislation is necessary because, as I say in Douglas County, over 200 of these people have been appointed. There has not been such an outbreak of crime that that many deputies are needed. I do not think that the County Board in Douglas County is so derelict in its responsibility and unconcerned about the welfare of citizens that, were they deluged in a flood of crime of that magnitude, they would hesitate to hire the appropriate number of sworn deputies.