

Published Tuesday April 14, 2009

Bad economy keeps county cops hopping

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Escalating bankruptcies and real estate foreclosures in Nebraska are putting an extra load on county sheriff's office as the financial crisis unfolds.



Doug Kruse, a retired Grand Island, police officer, serves court papers in Hall County, where Sheriff Jerry Watson says he may have to take deputies off the night shift to handle the increase in court paperwork.

In some cases, sheriffs are pulling deputies off the road to help with the new crush of court papers.

Each time a landlord files an eviction notice, a hospital sues for unpaid medical expenses or a credit company hauls a couple before a judge for a bad debt, state law requires that deputies hand-deliver the court papers. But county sheriffs say taxpayers end up picking up part of the tab because the fees paid by those who file lawsuits don't cover the cost of delivering the documents.

Nebraska sheriffs said the problem leeches millions of taxpayer dollars and may compromise public safety. The annual subsidy provided by taxpayers across Nebraska is about \$5 million, according to the Nebraska Sheriffs Association.

"It's not just an eastern Nebraska problem. It's a 93-county problem," said Ron Coughlin, who supervises the processing of court paperwork for the Douglas County Sheriff's Office.

Nebraska sheriffs have taken their concerns to the Nebraska Legislature. New legislation to allow the first increase in the fees in more than two decades is expected to be heard by senators today. The state's lawyers and collection agencies have expressed concern about the bill.

Hall County in central Nebraska faces the prospect of losing 24-hour road patrols by deputies because of staffing and budget crunches.

"Something has to give," said Hall County Sheriff Jerry Watson in Grand Island.

Watson told County Board members two weeks ago that there were 200 calls for service his deputies couldn't respond to quickly last year because, in part, they were busy serving people with court paperwork. He said he soon would have to take deputies off the already bare-bones night shift.

Watson said his staff is handling 25 percent more court paperwork since mid-2008, and he expects the volume to grow as the economic downturn spurs more lawsuits.

Unlike in the state's more rural areas, law officers in metropolitan counties have the luxury of having deputies or civilians assigned to handle court paperwork. The rising workload of serving court papers, however, is still being felt.



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In Omaha, eight full-time Douglas County civilian workers serve about 30,000 court papers a year, and the total is growing as the economy shrinks, said Sheriff Tim Dunning.

Sarpy County Sheriff Jeff Davis said his office has handled a 10 percent to 15 percent increase in court papers during the past six to eight months. Two deputies and one civilian handle all deliveries of court paperwork.

In northeast Nebraska, Madison County Sheriff Vern Hjorth said two of the county's 15 deputies are assigned full time to serving court



papers.

He said the growing number of court papers dims hopes that one of those deputies - whom he pulled from patrol duties about two years ago - could return to the road soon.

Sheriff Jerry Watson says one reason his deputies couldn't respond to 200 calls quickly last year was that they were busy serving people with court papers.

In southwest Nebraska, Perkins County Sheriff James Brueggeman in Grant said deputies who ideally should be patrolling are frequently tied up handling court papers or, increasingly, securing property for sale by a creditor.

Brueggeman has four deputies.

"Emergencies always come before everything else, but the first priority of the day is to get the (court) papers served," he said. "It's not always a simple matter to get paper from the court and drive out and hand it to somebody. Sometimes it takes a lot of time to find people."

Sheriffs are required by law to serve court papers to individuals or companies involved in a legal case. A 1987 state law increased payment to \$10 and capped it at that amount, plus mileage expenses, for serving papers. The law also set a \$5 payment for reporting back to the court.

"Obviously, our costs are more than \$15 before we walk out the door," said Coughlin, the Douglas County civil process supervisor.

Fees collected in Nebraska go directly to the county's general fund, not to the sheriff's office.

The average cost to serve a court paper in Douglas County was \$31.82, according to a study Coughlin conducted on behalf of the sheriffs association. The average fee collected was \$16.19, leaving \$15.63 subsidized by county taxpayers.

Douglas County taxpayers provided about \$415,000 from the general fund to subsidize the expense of serving court papers last year.

Lancaster County Sheriff Terry Wagner, whose office serves 25,000 documents a year, said most Nebraskans will never directly pay sheriff's fees because they'll never file a lawsuit.

"So why should they be paying property tax for somebody to sue somebody else on an issue that's private between the two?" Wagner asked.

The sheriffs association backed Legislative Bill 273, introduced by State Sen. Brad Ashford of Omaha, to double the serving fee to \$20. The Nebraska State Bar Association and the Nebraska Collectors Association opposed the bill.

It was amended, the proposed new fee lowered to \$12 and advanced from committee to the full Legislature with no dissenting votes. "There still is concern on behalf of collection agencies to the increase . . . (but) I don't know that the bar would oppose a modest increase," said lobbyist Bill Mueller of Lincoln, who represents both organizations.

Mueller said there is concern about increased fees and their impact on limiting people's access to courts.

"But we acknowledge that the sheriffs have increased costs and that serving civil process is a cost to counties," he said.

The issue is ensured legislative debate this session because it is expected to be attached today as an amendment to a priority bill - Ashford's Legislative Bill 35 - to prevent and reduce violent crime.

The World-Herald News Service contributed to this report.

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