

On Sunday, March 17, 2019, this office participated in a conference call with area law enforcement dealing with the flooding issues in Douglas County, Nebraska. This conference call included representatives from the Douglas County Sheriff's Office, the Nebraska State Patrol, Waterloo Police Department, Valley Police Department and other members of the emergency management team.

The incident involving a motorist who ignored barriers near Skyline Drive and West Dodge Road was discussed. The car stalled in high flood waters and extreme measures had to be used to rescue the driver. This incident from Saturday night, illustrates an additional concern law enforcement officials must deal with during this emergency. This type of activity represents a danger to law enforcement, the public and the motorists, who choose to engage in this type of behavior.

In reviewing Nebraska law, I have determined that future similar actions will result in criminal prosecution. These roads are clearly marked and blocked by barricades, traffic cones, and vehicles because they are dangerous. People should not drive on those roads under any circumstances. Individuals who choose to ignore these clear warnings will be charged with Criminal Trespass in the Second Degree (Neb. Rev. Stat. Sec. 28-521). This offense is a Class 3 misdemeanor and carries the possibility of up to ninety (90) days in jail, a five hundred dollar (\$500.00) fine or both. Additionally, in more serious situations where law enforcement must expend great time and effort to rescue a person who ignores these warnings, those individuals face the possible additional charge of Obstructing Government Operations (Neb. Rev. Stat. Sec. 28-901). That offense is a Class 1 misdemeanor and carries the possibility of up to one year in jail, a one thousand dollar (\$1000) fine or both.

This decision is aimed at protecting the public, law enforcement and to ensure that law enforcement attention is not distracted.