THE COUNTY SHERIFF AS A DISTINCTIVE POLICING MODALITY

David N. Falcone

L. Edward Wells

Illinois State University

INTRODUCTION

In many ways, discussion of policing is generally approached as “all of one cloth,” despite significant variations in the types and locations of agencies where it is carried out. Distinctions are sometimes noted between public and private policing, and between federal, state and local policing. However, a general proposition seems to be that:

• at its core, policing is policing, in whatever agency or location it exists; and

• the prototype for this activity is the modern city police department.

James Q. Wilson’s (1968) typology of police departments is well known, but deals entirely with variations among urban municipal police agencies. A perusal of contemporary textbooks on policing (e.g. Berg, 1992; Roberg and Kuykendall, 1990; Schultz and Beckman, 1992; Walker, 1992) documents the ubiquitous presence of the urban municipal policing orientation.1 It seems that little systematic attention, in either scholarly research or textbooks, has been given to the difference between county and municipal modes of policing. Rather, the central tendency is to consider policing types largely as variations on the same basic process (urban municipal policing), only incidentally noting the variations in other settings and contexts.
Purpose

This paper argues that county-level policing, accomplished mainly through the office of the county sheriff, represents an historically different mode of policing that needs to be distinguished more clearly from municipal policing. It has a distinct evolution within American policing that plausibly has led to different community functions and different organizational features, when compared with conventional municipal police departments. This paper examines possible differences between municipal and county-level policing along several analytical dimensions – e.g. historical, political, geographical, functional, organizational and regional variations – and suggests how research might be focused to document and explicate these differences.

To date, surprisingly little empirical research or published documentation exists to describe the specific form of the modern sheriff’s office across the US. As with textbooks, the research literature focuses almost entirely on municipal police operations and organizations, with only a few brief references to county-level events. In developing the present discussion, we have relied on several basic sources that are useful but also sketchy and generally out of date, with the exception of Struckoff (1994). These include: a classic essay on the sheriff by Lee Brown (1978), a mimeographed report issued by the National Sheriffs’ Association based on a survey of US sheriffs’ offices in the late 1970s (National Sheriffs’ Association, 1979), a study of metropolitan police agencies by Ostrom et al. (1978), brief statistical reports on Law Enforcement Management and Administrative Statistics (LEMAS) (1990) from the Bureau of Justice Statistics (Reaves, 1990a, 1990b), and statistical summaries of law enforcement personnel reported in the Uniform Crime Reports (FBI, 1994). In addition, we have drawn on quantitative data from the most recent Directory of Law Enforcement Agencies (Bureau of Justice Statistics, 1987) and qualitative data from almost 200 personal and telephone interviews of sheriffs spread across the United States. The latter were done as part of two recent studies of policing practices in the Midwest (Falcone and Wells, 1993) and in rural and small town areas nationally (Weisheit et al., 1994a). Given the scarcity of systematic research and extensive empirical data on sheriffs, our discussion will yield empirically derived, but not quantitatively verified, generalizations about patterns, variations and differences among sheriffs’ offices and police departments. Empirical testing of these
hypotheses will require additional studies and data collections that are not yet available.

**Historical Legacy of the Sheriff**

The modern-day American sheriff’s office traces its historical antecedents to tenth century England and the “shire-reeve”, a local political figure, who was appointed to serve and protect the King’s interests in the shire. These duties included: maintenance of community order, supervision of local military units (militia), the collection of taxes, and the custody of accused persons (National Sheriffs’ Association, 1979; Sattler, 1992). Initially, the shire-reeve was chosen from local nobility within the shire; however, after the Norman invasion in 1066 the sheriff was imposed on the local community as an outside administrator.

The office of the sheriff and its attendant functions was transported and extended to the Crown colonies in America. The estimated 3,100 county sheriffs in the United States today (Reaves, 1990b) trace the historical roots of their office in the new world to the mid-1600s, when many of the counties, which later became part of the original colonies, were incorporated under royal imprimatur. In fact, the origins of county-level government in America are linked with the Massachusetts Bay Colony (Lanoie, 1993). Although the functions, responsibilities and mandates associated with the sheriff’s office have changed, and substantial regional differences across parts of the US have evolved, many sheriff’s offices today carry out nearly the same range of tasks and services that were required three centuries ago.

**POLITICAL DIMENSIONS**

One very notable feature of the county sheriff in the United States is the basis for political authority and legal powers of this office. Originally set up on the English system where the sheriff’s mandate to “maintain the peace” originated with the Crown and not the local community, the sheriff’s office in the US was changed during the seventeenth and eighteenth centuries to a directly elective office. Making the sheriff elective rendered the office accountable directly to the local community rather than to a distant executive. Thus, it asserted political autonomy for the colonies. In contrast to its English counterpart, this shift in the political base of authority has ensured the continued importance of
the sheriff’s office for modern policing in the United States. In England,
by virtue of its political ties to the monarchy, the office of the “high
sheriff” has devolved into a weak, mostly symbolic position with only
ceremonial powers and no real peacekeeping responsibilities (Sattler,

Because of its distinctive historical evolution, the legal authority
of the sheriff diverges both in content and scope from that of local police
chiefs. One significant source of difference is the fact that the sheriff, in
35 of the 50 states, is a constitutional office, in contrast to other policing
agencies that are statutory or administrative creations (National Sheriffs’
Association, 1979:28). As a constitutional creation, the sheriff’s office is
legally stipulated in the charter document for the state, and is authorized
at the state level and legally prior to county-level legislation. This means
that the form or function of the office may not be changed directly or
readily by legislative or executive decisions, but rather only through
constitutional amendment. Where the sheriff’s office is constitutionally
mandated, it cannot simply be abolished, have its powers and
responsibilities reduced, or have its personnel decisions made by county
boards or commissioners. Although they nominally may control the
budget for the sheriff’s office, county or state executives cannot dictate
sheriff’s office policy since they lack direct political authority over the
sheriff. A notable (but infrequent) exception to this constitutional
mandate occurs in “home-rule” counties. These involve a few highly
urbanized counties (usually over one million in population) which are
allowed by charter to formulate their own policies and offices that would
otherwise be at variance with state statutes or constitutional requirements
(Statsky, 1985).

Moreover, the sheriff is described formally as an office rather than
a department – a commonly blurred distinction that has constitutional and
legal dimensions. As J.M. Brown (1993:9) has noted (drawing from
Black’s Law Dictionary), an office involves “a right, and correspondent
duty to exercise a public trust...in the constitutional sense, the term
implies an authority to exercise some portion of the sovereign power,
either in making, executing, or administering the laws.” In contrast, a
department usually refers to a division within the executive branch of the
government – a subordinate agency or branch within governmental
administration. As an office, in most states the sheriff is an independent
entity within county government, with separately defined responsibilities
and powers. As a department, its powers and duties would be determined
by the administrative branch under which it is authorized. The former
condition provides a measure of administrative and political autonomy from other offices and executives of local government. It also means that oversight of the operations of the sheriff’s office must occur through different processes compared with local police departments which are formally under the executive purview of a city administrator or committee – e.g. a mayor, police commission, or city board. In these terms, the structure of accountability is formally changed by the different bases for legal authority and organizational responsibility.

An additional (and related) source of difference is that the sheriff is an elective office, selected by popular election, either partisan or nonpartisan, in all but two states (Rhode Island and Hawaii). On one hand, this expresses the independence of the sheriff from other political offices or executives within local governmental structure. On the other hand, it means that the sheriff is subject directly to the approval of the community and to the power of public opinion. Since terms of office are often fairly short – usually two or four years – the sheriff is dependent on good relationships with voting members of the community who may remove him/her from office at the next available election. In these terms, the sheriff is less insulated from the public than the police chief, lacking the administrative buffer from the general public that most municipal departments have in the mayor, police commission, or city board who oversee them and appoint their chief executive. The ostensible effect of direct election will be that the sheriff’s office is more overtly political in a popular sense (i.e. based in popular appeal and voter approval) while being less political in a local governmental sense (i.e. based in local political organizations and influence structures).

Popular election also means that the sheriff might not necessarily be an experienced police professional or executive. According to the NSA survey in the late 1970s (National Sheriffs’ Association, 1979), the office of sheriff in most states has no specific requirements regarding training or experience in policing. Many states explicitly exempt county sheriffs from their state-mandated training standards for law enforcement personnel (NSA, 1979:38), even though their deputies are covered, along with municipal police supervisors. Generally, the requirements for sheriff’s candidates are comparable to other elective offices within the various states. In some instances of very large, highly urbanized counties, the sheriff may be more of a political figure, with the day-to-day management of office responsibilities (e.g. law enforcement, court services, jail operation) delegated to an appointed “undersheriff” who is an experienced police or correctional administrator. However, we note
that for the vast majority of sheriffs’ offices in the US, which are located
in less urban counties, the sheriff is the actual administrator of the
activities of the office. Moreover, a large majority of sheriffs enter the
office with substantial backgrounds in law enforcement, jail
administration and related fields (NSA, 1979).

Does the popular election of county sheriffs make a real and
important difference in how county-level policing is organized and
accomplished (in contrast to municipal agencies with appointed police
chiefs)? We note that there has been some recent debate about the
functional effect (and desirability) of electing police executives. Some
proponents of community-oriented policing or problem-oriented policing
(e.g. Goldstein, 1990) have argued this would result in stronger police
community identifications, reflecting the more direct community
influence over police administration. Comparing county sheriffs with
police chiefs in the same areas provides a way to test this hypothesis;
however, the lack of research on county sheriffs means there are no
empirical data from which to make such comparisons systematically. Our
interview data from sheriffs and police chiefs in less urbanized areas have
been consistent with this hypothesis, but these are nonquantitative,
subjective conclusions based on a nonrandom sample of police agencies
in the US. Informed debate and policy decisions require a better research
database which includes more systematic coverage of county sheriffs’
offices and operations.

By virtue of its historical evolution, the legal responsibility and
authority of the sheriff are somewhat different from those of local police
chiefs, being broader in the range of activities covered and the scope of
the legal authority. As the officer charged with maintaining the lawful
order and peace of the county, the sheriff is responsible not only for law
enforcement (of criminal and traffic laws), but also for providing support
services and protection to the county court, for maintaining the county
jail and correctional facilities, and (in some states) for collecting many
county taxes and fees. By contrast, municipal police departments deal
only with the first of these responsibilities. Of special note is that the
sheriff also has extensive civil law powers and responsibilities. For
instance, the sheriff can make civil arrests (with or without warrants) for
detaining persons who have not committed any crime but may be a threat
to the public order of the community or to themselves – e.g. mentally
disordered persons. The sheriff is responsible for enforcement of all civil
writs, as well as criminal laws and warrants. The issue of how much of an
effect this structural feature of the sheriff’s office has on the actual
content of county-level policing is again an open concern. While the sheriff’s office has formally broader legal powers than the municipal police department, whether these civil powers actually translate into measurable differences in policing behaviors, attitudes, or outcomes, as Goldstein (1990) has suggested in advocating problem-oriented policing, remains a matter of speculation. We lack the empirical studies of policing practices of deputy sheriffs that would allow a systematic comparison and evaluation of such differences.

The legal jurisdiction of the sheriff is also broader geographically than that of the municipal police chief, with several notable implications. For one, the sheriff’s jurisdiction is spread out over a larger physical area; thus, the office’s resources will be spread thinner across more space and the deputies will be acting over much greater distances. Single-officer patrols operating with no backups nearby will be common, and response times will be much longer (where duty beats are defined in miles rather than city blocks). This is especially true in Western states which contain fewer and much larger county divisions. Indeed, average counties in some Western states (e.g. Arizona) are larger in area than some Eastern states (e.g. most New England states).

A second implication is the redundancy of authority across governmental units. By law, the sheriff’s jurisdiction generally includes everything within the county. The overlapping jurisdictions with municipalities within the county have clear potential for political conflicts and legal ambiguities. A few highly urban states have tried to reduce this redundancy by reducing the policing authority and jurisdiction of the county sheriff. However, this is not a common, nor obviously successful, solution given the constitutional basis for the sheriff’s office. In actual practice, sheriff’s agencies limit ordinary policing services to areas of the county that are outside of incorporated municipalities. Where needed, the sheriff’s office may provide some additional police services to municipalities in the county; however, this is accomplished through cooperative agreements, both formal and informal, as well as through contracts. For instance, the sheriff’s office may contract out policing services (e.g. patrol, investigation, communications, lockups) to small municipalities that do not have full-function police agencies, or may provide policing part-time to municipalities without full-time departments. This pattern is well documented for metropolitan counties by Ostrom et al. (1978). A recent study of rural policing by Weisheit et al. (1994a) shows that it is even more common (albeit less
formalized) in nonmetropolitan counties where personnel and resources are stretched even more by large distances and small budgets.

Funding sources for the sheriff’s office represents an additional point of potential difference from municipal police agencies. As a result of historical development, monetary compensation for the sheriff has often come from the collection of fees for services provided – e.g. execution of writs; collection of delinquent taxes and fines; sale of licenses and permits; housing prisoners in the county jail; serving court notices, summons and subpoenas; carrying out foreclosures, seizures and evictions; holding sheriff’s auctions of county-seized property. This compensation included both payment of the sheriff’s salary as well as funding for operation of the sheriff’s office. Reliance on fee compensation has diminished greatly in the past several decades, both in the number of states who retain it in some form, as well as in the degree to which retaining states rely on this funding source for sheriffs’ office budgets. However, while we lack current data to document this quantitatively, a few southern states continue to use the fee compensation system substantially for funding county government, including the sheriff’s office (National Sheriffs’ Association, 1979).

**FUNCTIONAL DIMENSIONS**

By virtue of its historical role as the chief office charged with “keeping the king’s peace”, the sheriff traditionally handled a wide array of duties and legally exercised a broad range of powers. Correspondingly, the contemporary sheriff has evolved into a multi-purpose office, characterized by a broader and more diverse assortment of legal responsibilities than those associated with local policing. In most states, the sheriff is responsible for providing any (or all) of the following:

1. criminal law enforcement and other general police services;
2. correctional services, involving the transportation of prisoners and the management of the county jail;
3. the processing of judicial writs and court orders, both criminal and civil;
4. security of the court via bailiffs;
miscellaneous services, such as the transportation and
commitment of the mentally ill;

seizure of property claimed by the county;

collection of county fees and taxes; and

sale of licenses and permits; plus other services that do not fall
neatly under the statutory responsibilities of other law
enforcement or social service agencies.2

In most states, sheriffs are correctional/custodial officers of the
county jail. (Since little or no correctional programs are provided at the
county jail level, perhaps custodial is a more descriptive word choice.) In
many small rural sheriffs’ offices there is no distinction between “road
deputies” and “jailers.” Both duties are carried out by generalists who are
responsible for both functions. In moderately large county sheriffs’
offices a more discernable division of duties emerges. Road deputies
(commissioned/sworn officers) provide general police/law enforcement
services to the county, while jailers are responsible for the security of
county jail inmates. Jailers see to it that prisoners are transported to the
trial court (often in the same building) for court appearances, while road
deputies transport convicted felony prisoners to state correctional
facilities—a duty municipal officers never experience.

In relatively small sheriffs’ offices, generalist road deputies may
find that a large portion of their shifts is taken up with the processing of
court writs, either criminal or civil. Since the business of the court
involves more civil dealings than criminal, deputies serve more civil than
criminal papers, leaving little time for proactive criminal law
enforcement that may be favored by their municipal counterparts. In
larger, more urbanized sheriffs’ offices the processing of civil writs is the
sole responsibility of “process servers.” These individuals frequently are
civilians who are not commissioned/sworn officers or who do not
actually function as sworn officers (although they may be commissioned
“on paper”). In fact, sheriffs’ offices in some urbanized counties formally
divide their organizations into separate criminal and civil divisions. This
division not only mandates a clear delineation of responsibilities and
tasks, but it may also create an anomalous, Siamese twin organizational
entity. This distinction releases the road deputy to replicate more closely
the duties and tasks of the municipal patrol officer and frequently
seems to be a step toward the creation (in home-rule counties) of a
semi-autonomous “sheriff’s police department,” which is administered under but operationally separate from the county sheriff’s office.

As an officer of the court, the sheriff’s office is the sole policing agency charged with the duty of enforcing the orders of the court and the responsibility of maintaining the security and decorum of the court and courthouse. In small rural sheriffs’ agencies this is accomplished by the sheriff him/herself or by a deputy who is assigned that duty when the circuit judge makes his/her monthly appearance. In areas with greater population densities and corresponding court activities, where the court sits every working day, a separate bailiff’s division is established. These individuals usually are commissioned officers (deputies) who do not function as road officers; they are considered law enforcement specialists. Still, under other arrangements, they are civilians who function virtually as security officers in the courthouse. In many instances they are not authorized to carry firearms. As is the case in many of the large urbanized counties, this division is managed by a separate administrator, freeing the sheriff from the mechanics of administering this specialized division within the sheriff’s office.3

What does the presence of such functional diversity mean for the contrast between the county sheriff’s office and the local police department? First, it means that the sheriff’s attention, time and energies are more divided across multiple and distinct sets of administrative concerns – e.g. law enforcement, court services, jail management and fee collections. These will compete for scarce resources, and the resolution of such goal conflicts will affect how the sheriff sets priorities and policies in ways different from the local police chief. Even though the public image of the sheriff’s office may be based mostly on law-enforcement activities, the sheriff cannot afford to concentrate on that task. The funding of the office may depend heavily on doing other tasks that generate important revenues for the county (such as serving court writs and warrants or collecting taxes and license fees) or which involve substantial legal liabilities to the sheriff and the county (such as holding unconvicted defendants in jail pre-trial).

A second implication of the diversity of the sheriff’s responsibilities is that there may be even greater differentiation in organizational structure between small and large sheriffs’ offices than occurs for municipal police departments. The processes will be parallel: officers in small agencies are generalists, while larger organizations have increasingly complex divisions-of-labor and structures. The increased specialization partitions different concerns of policing into separate
divisions or bureaus within the agency, where increased segmentation of officers’ tasks is accomplished.

At the top end of department size, large police organizations probably have comparable levels of specialization found in sheriffs’ offices and local police departments, particularly when very large sheriffs’ offices create separate sheriffs’ police departments for law enforcement. For small departments, however, the duties of sheriff’s deputies will be much more generalized, being called on to cover the whole gamut of sheriff’s office responsibilities, much wider than municipal police officers are expected to do. That is, for small municipal police departments, “generalized duty” means “patrol”. For small sheriffs’ departments, it means patrol plus jail guard plus process server plus tax collector. Thus, the gap in specialization and segmentation between small and large agencies would seem to be much greater for county sheriffs’ offices than for municipal police departments, reflecting a greater functional division and differentiation in professional status within very large sheriffs’ offices.

A separate, yet closely related, issue concerns police training requirements and practices. Although sheriffs’ deputies provide a much wider range of services than ordinary municipal patrol officers, they are trained under the same state-approved basic curriculum as other officers who function in a much more limited sphere. The sheriff’s additional generalist duties (not considered part of the law enforcement mission of police) place the deputy sheriff in a perilous situation, since the state-mandated training does not provide the deputy sheriff with the knowledge necessary either to render needed services or to avoid civil litigation for inadequate performance. For example, available training does not address such issues as the limits regarding the use of force when executing civil writs as opposed to criminal writs (which are explained clearly at the academy). We note that this issue was mentioned repeatedly in our interviews with sheriffs in every state (Weisheit et al., 1994a). While a few states require some additional training for deputies in civil process, the sheriffs in those states indicated that it provides only the barest rudiments for performing such duties.

**GEOGRAPHIC DIMENSIONS**

While generally associated with county-level government, some sheriffs provide services for independent cities; however, this occurs less
than 1 percent of the time (Reaves, 1990b). The geographic area of jurisdiction for most sheriffs is the whole county or parish, but it is the unincorporated areas within those counties/parishes that are of special concern to sheriffs. Unincorporated areas would otherwise be without police coverage if it were not for the sheriff’s office, since as a general rule municipal police agencies are responsible for providing police services only within their incorporated municipal limits.4

As a county-wide police agency, the sheriff’s office/department holds the potential for coordinating police efforts throughout the county. In fact, in rural settings the sheriff’s office/department is seen as not only a coordinating agency but as a higher law enforcement authority with better trained criminal investigators and technicians (most of whom are generalist officers) than municipal officers on small rural police agencies. In many cases, the latter are not full time or do not provide 24-hour coverage. Thus, the sheriff’s deputies provide services, on request, inside the corporate limits of municipalities who are within the county.

Mutual aid is another area where the jurisdiction of the sheriff comes into play. Thus, no special legal issues arise when the sheriff is called to assist any police agency within the sheriff’s home county. When police agencies outside the sheriff’s home county request assistance, the jurisdictional issue can be raised. However, like other law enforcement agencies, the sheriff can enter into legal contracts to render aid on request and assume legal jurisdiction, even when outside the county limits. The earlier study by Ostrom et al. (1978) documented the importance of such interagency arrangements and overlapping responsibilities. However, more recent research suggests that a formalized approach to the mutual aid problem is seldom the approach of choice. Sheriffs across the United States commonly assist and supplement one another, even across state lines, without the benefit of contract, under informally understood arrangements (Weisheit et al., 1993). In the last few years, this practice has become even more important for policing in rural areas as state police and highway patrol agencies – who traditionally provided wide-area coverage and coordination, especially of major crime incidents – have been reduced in size and function across many states. Indeed, some states have recently abolished their state bureaus of investigation, merging them into their general service state police agencies, while simultaneously downsizing the general agency.

The possibility of an inverse or “zero sum” relation between the jurisdictions of the county sheriff’s office and the state police/highway patrol is a perennial political issue in many states, reflecting an inherent
tension between police agencies at these two levels. One plausible hypothesis is that as the jurisdiction of agencies at one level increases, the responsibilities and legal authority of the agencies at the other level will correspondingly diminish. While there are no empirical data to document this hypothesis specifically, our qualitative study of sheriffs’ offices across the US (Weisheit et al., 1994a) suggests that where the state police maintain broad jurisdiction over areas traditionally policed by more local agencies, the sheriff’s office generally seems to defer and minimizes its coverage to avoid conflict.

Finally, since the county sheriff generally focuses on providing police/law enforcement services to the unincorporated areas of the county, a distinctly rural dimension is associated with his/her work. This is true even in reasonably urbanized counties, since the sheriff has sole responsibility for police services in areas of the county outside the incorporated city limits. In more rural areas, especially the West, counties are mostly unincorporated, and their sheer size compounds the difficulty encountered in delivering prompt police services often expected, even demanded, in urban areas. As noted earlier, the larger geographic areas and sparser coverages in such rural areas means that response times for deputy sheriffs may necessarily be measurable in hours or quarter hours, rather than in minutes as occurs in municipal departments.

ORGANIZATIONAL DIMENSIONS

The preceding sections noted features in the historical and political development of the county sheriff that distinguish it from municipal and local police departments. How much do these features and developments affect the way that policing is done in sheriffs’ offices compared with police departments? Several organizational themes stand out as interesting points of comparison and divergence.

One point concerns the openness of the policing agency as a social system – i.e. the extent to which information and influence flow across the boundaries between the police organization and its outside social-political environment. Because sheriffs are popularly elected and thus more dependent on maintaining public approval, we expect that the sheriffs’ office will constitute substantially more of an “open system” than will traditional police departments with respect to the community in which it serves. This reflects the differing political bases on which the agencies are maintained. Arguably, sheriffs are more directly dependent
on maintaining good exchanges and ongoing relationships with members of the community they serve. Sheriffs who seek to insulate their office from public accessibility through bureaucratic or organizational buffers (as routinely occurs for police departments) may not remain in office very long. This condition of political answerability supports open communication between the office and the community, requiring substantial amounts of interaction which goes beyond the occasional public relations campaign. There are no quantitative empirical data to verify this hypothesis, but qualitative interview data seem to strongly confirm it.

We note that sheriffs’ offices in a few, very large, metropolitan counties (such as Los Angeles county in California or Cook County in Illinois), which are highly bureaucratized organizations, seem to be distinct (and rare) exceptions to this pattern. Such sheriffs’ offices are anomalies in many ways from the traditional picture of the sheriff’s office as it commonly exists in most counties. By virtue of their substantial sizes, their location in highly urbanized areas, and their special legal-political status as charter county governments, they have operational procedures and organizational structures more like large urban, paramilitarized police departments. Frequently they are explicitly renamed “county police” departments and have an appointed chief-of-police as their chief administrator, features which highlight their anomalous organizational makeup.

At the same time, employees of the sheriff’s office are similarly dependent on the sheriff’s reelection, since they “serve at the sheriff’s pleasure” in many jurisdictions (as purely appointive – in some cases, patronage – positions, rather than under a civil service or merit arrangement). According to the LEMAS survey (Reaves, 1990), slightly less than half of the large sheriffs’ offices in the US (those with over 100 sworn officers) have merit board procedures for personnel decisions; the majority rely on discretionary administrative appointments. This pattern will be even stronger for smaller, less bureaucratized departments (which comprise 90% of sheriffs’ offices in the US). Thus, a new person in the sheriff’s position often results in a new set of appointed deputies and supervisors in the ranks of the sheriff’s office. In these terms, the personnel in a sheriff’s office seem to have a more symbiotic relationship with the sheriff than municipal police officers will with their chiefs. Indeed, the bureaucratic paramilitary structure of municipal police organizations often seems to build in a structural antagonism that ensures a natural alienation of officers from administrators.
Another indicator of the openness or accessibility found in the sheriff’s office relates to the use of part-time reserve or auxiliary officers. Many urban and suburban municipal police agencies find these adjuncts to be little more than a police headache (Germann, et al., 1982), while sheriffs’ offices generally find them to be a valuable asset, as over a quarter-million are used nationally by sheriffs’ organizations (Burden, 1993). Unsworn volunteers constitute a conduit for communication and community relations. They are almost always used for non-law enforcement tasks, such as search and rescue or civil defense, where state-mandated certification is not required. Sworn part-time or reserve officers are perceived by sheriffs as more than part-time officers. They function as part of an integral and ongoing community relations program (Francis, 1993). As a general rule, sworn reserve officers are used to augment regular services and perform general patrol tasks. In addition, participation by community members in sheriffs’ posses is an historically rooted, but still used, practice in some states to supplement sworn personnel and to maintain organizational involvement of members of the community (Donahue, 1994).

For these reasons, the interest of the sheriff’s office in maintaining an open flow of information with the community is fairly strong throughout the entire agency instead of merely in one specialized department charged with handling public relations. This seems to be expressed visibly in the way that the sheriff’s office is more accessible to enquiries and calls from the outside community. For example, during the course of two research projects on police practices, we have called hundreds of municipal police departments and county sheriffs’ offices. Calls to county sheriffs’ offices generally reached the sheriff personally on the first or second call; when they were not available, callbacks usually occurred shortly thereafter. In stark contrast, calls to municipal departments in the same counties have often taken repeated attempts before reaching the police chief, and requests for callbacks were commonly ignored. This generally involved going through several levels of intermediaries and gatekeepers before finally reaching the chief; in some cases final contact was never made. To cite a representative experience: the sheriff of one of the most populous, urbanized counties in the US, Cook County, Illinois, answered our first phone call. The Superintendent of Police for Chicago, the largest city within Cook County, was never reached even after several dozen phone calls and callback messages. This same pattern of accessibility was duplicated in numerous other counties and cities in other states.
A second organizational theme could be the degree of adherence to the traditional military model for policing, along with all its symbolic and organizational trappings. The sheriff’s office displays considerably less affinity for the strong military model commonly associated with modern policing and derived from the development of the municipal police force for Sir Robert Peel (Walker, 1992). We suggest that the sheriff’s office corresponds more closely, both historically and in its modern operation, to a looser militia model that differs in key points from the traditional military (or paramilitary) model. The latter is based on the idea of a professional army, recruited for military ability rather than local residency, trained and organized for warfare, and organized into an impersonal, rule-bound, rank-ordered closed organization. In contrast to a professional, rigidly organized army that is detached from the community it regulates, the idea of a militia represents a group organized out of and by the community for its internal protection. Mahon’s (1983) definitive history of the militia and National Guard in the US documents that the militia involved small, locally-based units that were organized effectively around their leaders, who were elected Captains from within their communities. Thus, the militia was strongly rooted in and accountable to the locality (i.e. county or township being served. Their strong local identifications were often expressed by distinctive, colorful uniforms clearly distinguishing each from the militia for other counties. Mahon also notes that the operation of each militia company was strongly influenced by the abilities and charisma of the elected Captain, who was responsible for maintaining the company’s organization and efficacy. Loss of the Captain usually meant dissolution of that company. That description – which parallels our earlier discussion of the county sheriff’s office – stands in strong contrast to the professional, detached, bureaucratic “army of occupation” model that characterizes the municipal police departments in many large cities.

As a result of adhering less strictly to the military model, the sheriff’s office seems less rigid than the urban municipal police organization in its appearance, procedures and methods of internal operation. This allows for greater flexibility and speed of reaction to local demands. Further, the sheriff’s organization acknowledges overtly the existence of discretion and a greater latitude of discretionary authority of its officers than the municipal model. Low-level discretion and flexibility are inherent in the job of policing, but that is not readily acknowledged in the urban municipal agency (Brown, 1981; Mastrofski et al., 1987). Admission by administrators of endemic low-level discretion would cast
doubt on the utility of the professional paramilitary model typified in most large municipal departments.

Readily apparent examples of this less bureaucratized/militarized organizational model include the option of taking the service vehicle home, as well as not being required to appear daily for pre-service roll call and the attendant inspection of uniforms and equipment. None of these latter activities would serve to advance the mission of this more informal organizational entity. And, since the sheriff’s office is not bound by either a history or tradition of strict military custom, these activities are not viewed as functional or even ceremonial.

Our interviews affirmed that the sheriff’s office is generally more personalistic in the way in which tasks are accomplished and in the way in which the office is organized. For example, the deputies and civilian employees tend to work “for the sheriff” rather than for the organization per se. This makes the services that sheriff’s employees render less organizational in the sense of functioning within an impersonal, rule bound, hierarchical order. A solid example of this orientation was clear in the way in which the business cards of one sheriff’s office which we visited presented its employees. The business card reads: “This card will introduce Deputy ______ representing Sheriff ______ of ______ County”.

By virtue of its organizational structure and political context, there is less distance and impersonal separation between the sheriff’s office and the community it serves. In most offices, the sheriff’s deputies are required to live in the community where they serve. According to the 1990 Law Enforcement Management and Administrative Statistics survey (Reaves, 1990a; 1990b), 87 percent of sheriffs require deputies to be residents of their legal jurisdiction, while just under 50 percent of municipal police make such requirements of their officers. Causing the officers to have roots in the community makes it more difficult for members of the sheriff’s office to become an army of occupation, since they function more as a group of defenders selected to serve from within the community. In contrast, municipal police officers (especially in large urban areas) are recruited based on their professional credentials rather than their area of residence. Most will be recruited from outside the municipality being served. Professional chiefs of police are commonly selected through a national search process, while sheriffs are always elected from among local candidates.

Sheriffs’ organizations seem to place less emphasis on extensive military symbolism. Consistent with the militia model, these trappings are of far less importance symbolically to the value system of the
members and the mission of the organization. Thus, one frequently finds sheriffs’ organizations to have a far less formal and military orientation, especially in the dress code of its members. Far more employees wear civilian clothing and the uniform does not resemble the military. In fact, military ranks above captain are seldom found; they are given nonmilitary names like chief deputy, undersheriff and assistant sheriff.

Few sheriffs’ agencies even have the traditional items associated with warfare, such as the “war room” where strategy and tactics are formulated during times of “combative encounters” with the general public; these are nearly always found in the large municipal departments and state police organizations. Few sheriffs’ organizations have a special room designed for the purpose of securing high-tech weaponry. These “arsenals” are found in nearly all but the very smallest municipal departments and state police agencies.

Because of less emphasis on rigid, oppositional hierarchy, we might predict that sheriffs’ offices will display less tendency toward both unionization and implementation of formal collective bargaining as an impersonal, rationalized procedure for the management of employees. LEMAS data (Reaves, 1990a; 1990b) show that about 46 percent of the officers in county sheriffs’ offices have a collective bargaining apparatus available; moreover, most of these work for a few large urban county “police departments”. In comparison, municipal police officers have collective arrangements available approximately 72 percent of the time. While only 11 percent of all sheriffs’ employees are represented by police associations, nearly 36 percent of all municipal employees are affiliated with a police association. These police associations are, generally, police athletic and benevolent associations that function as unions.

Lower adherence of sheriffs’ offices to a strong military-like organization may also be demonstrated by a greater tendency toward civilianization of many operations within the organization. For example, according to the Uniform Crime Reports (FBI, 1994), 36 percent of all full-time employees of county-level policing agencies are civilians. In comparison, for municipal police agencies, only 22 percent of full-time employees are civilians. By virtue of being more open to the community and less committed to a strong military model (which is structurally suspicious of outsiders), the sheriff’s office seems to display greater willingness and interest in civilianizing non-law enforcement tasks. That is, there seems to be a greater tendency to “farm out” to civilians who serve from “outside the ranks” those tasks not requiring a sworn deputy. Interestingly, the degree of civilianization in rural sheriffs’ offices (which
have little organizational division of labor) is about the same as in larger urban sheriffs’ offices (with much greater differentiation of functions). At the same time, civilian employees are allowed to remain civilians (e.g. to wear ordinary civilian clothing) rather than act as mock officers (e.g. wearing police uniforms without insignia or rank).

**ORGANIZATIONAL MODELS OF SHERIFFS’ OFFICES**

According to Lee Brown, four clearly recognizable yet divergent sheriffs’ organizational models have emerged throughout the various states. The “full-service model” carries out law enforcement, judicial and correctional duties. The “law enforcement model” (Multnomah County, Oregon) carries out only law enforcement duties, with other duties assumed by separate civil process and correctional agencies. The “civil-judicial model” involves only court-related duties (counties in Connecticut and Rhode Island). Finally, the “correctional-judicial model” (San Francisco County) involves all functions except law enforcement (Brown, 1978).

**REGIONAL VARIATIONS AND LOCAL EXCEPTIONS**

The preceding pages have discussed the office of the sheriff as if it were a single uniform organization. They offer a description of “central tendencies” for policing in counties compared to municipalities, and they ignore local variations in the structure of the office. In fact, the form and content of specific sheriffs’ offices vary widely both between states and between counties within the same state. In these terms, it is important to note variations in and exceptions to the ideal-typical description provided above.

First, we suggest that the divergences noted between county-level and municipal-level police agencies will vary according to the sizes of police organizations involved. Specifically, the county-municipal differences will be greatest among mid-sized agencies – e.g. those with 25-100 sworn officers. For very small agencies, the sheriff’s office and the local police department will operate similarly, because small police departments must be general purpose agencies and will correspond more
closely to the militia model suggested earlier, rather than the paramilitary model of urban policing. By virtue of being mostly in small communities where political structures are informal and personalistic, small police departments are more directly accountable to the public, being less insulated from the community by governmental bureaucracy and layers of executive office. Police in such small departments will be more “sheriff-like.” In contrast, very large sheriff’s offices become highly segmented and specialized into separate agencies, with law enforcement split off into separate county police departments headed by appointed police chiefs. In such large organizations, the sheriff’s office will become, in effect, more “police-like.” Thus, our hypothesis is that the mid-sized organizations will show the greatest differentiation between county- and municipal-level policing. At present, no empirical data are available that would allow us empirically to test or confirm it.

As mentioned earlier in this paper, sheriff’s offices are generally county-level agencies operating with countywide jurisdiction. However, there are those anomalous political arrangements that require some sheriffs to operate under other than the traditional mode, i.e. the full-service model. A clear example of the independent city arrangement where a city does not lie physically within the confines of a county exists in Saint Louis, Missouri. For numerous reasons, peculiar to the political dynamics of that area and not within the scope of this paper, the city of Saint Louis does not lie within Saint Louis County and does not enjoy the services provided for other cities across the country by county government. For that reason, the City of Saint Louis must replicate all county government services including county courts, the county jail, county tax collection and many others. As a result, the city of Saint Louis must maintain its own jail and the judicial services usually associated with the office of the county sheriff. The sheriff of Saint Louis City provides the services normally provided by the county sheriff in other areas of the state and nation. Note that in this instance, it is a department and not an office and is associated with the executive branch of city government. Here the sheriff functions under what Lee P. Brown has classified as the correctional-judicial model, having no law enforcement powers or responsibilities, as police services are adequately provided by the metropolitan police department.

Beyond unique local variations are some interesting regional variations among sheriff’s offices throughout the various states. Painting with a broad brush, our telephone interviews with sheriffs throughout the
US suggested the following generalized patterns by regions across the country (Weisheit et al., 1994a).

Counties located within the South, Southwest, and Midwest states generally have full-service sheriff models. This seems explainable functionally as a result of the original economic structure of these areas with a reliance on agriculture. The tremendous distances involved in these rural areas rendered the paramilitary model, developing in the urban areas of the Northeast, of little use. The full-service sheriff’s office as the primary provider of law enforcement and other policing services became the logical choice.

Sheriffs in some Northwestern states have limited civil-judicial models which function in a similar capacity to the city sheriff in Saint Louis. This appears to be a function of the fact that state police units generally provide the services otherwise provided by sheriffs in other areas of the country. In the Northeast, with its highly urbanized character, the sheriff’s office appears to be experiencing both some functional shrinking and challenge to its legal authority as a full-service model under judicial interpretation of both state law and state constitutions. Therefore, some Northeastern states, e.g. Connecticut and Rhode Island, employ the limited functions inherent in the civil judicial model. Sheriffs in Pennsylvania recently underwent a legal challenge regarding their criminal arrest powers as fully-commissioned state officers; however, the state’s highest court affirmed the sheriffs’ law enforcement authority (Policaro, 1993).

**CONCLUSION AND DISCUSSION**

The office of the county sheriff has shown tremendous adaptability and staying power for more than a millennium. From its early emergence in England under Alfred the Great, to its contemporary form in America, attempts to thwart the power of sheriffs, over the course of history and in the main, proven ineffective. The office has remained one of the most viable policing institutions in the United States. Despite proclamations that this peculiar Anglo-Saxon office is a twentieth-century anomaly and predictions that it is a shrinking institution in urban areas that will eventually be reduced to “paper serving” activities, sheriffs’ organizations have demonstrated notable resiliency regarding their political underpinnings, structure, modality, mission, and traditionally mandated responsibilities. For example, attempts to
radically alter and “professionalize” this county-based police organization through the creation of sheriffs’ police have not proven popular.

Because of its wide-ranging duties and responsibilities, the office of sheriff is a necessary and effective general purpose police agency and will most likely continue to be such as long as county-level government exists. Of central importance to policing is the fact that sheriffs’ organizations constitute a distinctive policing modality, devoid of many of the trappings and shortcomings of the traditional paramilitary municipal police model. Therefore, sheriffs’ agencies may need to be understood and studied under a considerably different conceptual model than the traditional municipal police agency. Sheriffs’ organizations appear to be better described, both conceptually and historically, by a “militia” model than by the traditional (para)military model firmly associated with the municipal police agency.

Analyzing and evaluating all police organizations under one homogenous model, based mainly on large, urban, municipal police departments, can lead to a generalized misunderstanding of the organization being studied. This is particularly true considering that most police agencies in the United States are neither large nor urban. Doing so also ignores the over 3,000 county-level agencies that police the largest portion of America’s geography. Given the almost complete absence of research on this latter form of policing, it seems reasonable to propose future research that may be more appropriate for alternative modalities of policing. We have suggested that the militia model is a better description of most county sheriffs’ organizations. This is proposed as a tentative guide or template for more detailed analyses of county-level police agencies. Future research is needed to determine its validity and utility in differentiating this form of policing from conventional images.

This overview and analysis of the sheriff has raised as many questions as it has settled, implying a considerable and virtually unaddressed research agenda. If we are to more fully understand, evaluate and explain the variations among policing organizations found across the national landscape, these questions will need to be addressed more carefully through systematic empirical research. We suggest the following concerns as a prospectus for this research.

(1) What are the various forms and functions that characterize county sheriffs’ offices across states and geographic areas? How wide are these variations, and can a broad taxonomy or typology be
constructed that adequately covers the important differences and dimensions? This calls for an up-to-date compilation of the types of sheriffs’ organizations, their legal mandates, and their functional responsibilities along the lines of the National Sheriffs’ Association survey in the late 1970s (NSA, 1979).

(2) Is policing by county sheriffs’ offices meaningfully different from policing by municipal police departments? What actual differences are there in how the agencies are operated and organized in day-to-day practices? Are there observable differences between deputy sheriffs and municipal officers in how policing is routinely carried out?

(3) How significant for policing is the civil law power of the sheriff’s office? What is the real (practically usable) extent of their civil law authority, and do county sheriffs’ deputies actually exercise the option of police power inherent in that authority (e.g. to gain compliance in conflict resolution situations)? How does this authority influence the form and the practice of policing by county sheriffs’ officers?

(4) What are the relationships (both formal and informal) between county policing, as carried out by sheriffs’ organizations and by policing organizations at other (municipal and state) levels? Are there inherent, or at least common, tensions between sheriffs’ organizations and police agencies at other levels, especially state police/highway patrol departments, that influence the content of policing activities or impact on their effectiveness? Is there empirical evidence that a zero-sum division of labor or responsibility occurs in many states; as one grows in coverage or duties, does the other invariably shrink?

(5) How do sheriffs’ organizations differ between rural and urban settings in their organizational structure and in the content or form of their policing activities? Does the militia model suggested here offer a better description and explanation for less urbanized counties (with urban counties following the traditional paramilitary model more)? Or is it broadly applicable for virtually all county sheriffs’ organizations, regardless of their demographic context?
(6) What is the actual effect of the elective nature of the sheriff’s office on the style, content and accountability of the policing function carried out there? Is there empirical evidence that the sheriff operates in a demonstrably different way because of it?

(7) What are the political dynamics and conditions that lead to the development of a separate sheriff’s police agency within the county sheriffs’ offices? Is this a simple matter of organizational size or does it reflect other factors in the organizational environment of the sheriff’s office? Are there substantial differences in orientation and behavior between these sheriffs’ police departments and the ordinary county sheriffs’ offices?

(8) What have been the experiences of municipalities that have opted for contract policing with sheriffs’ organizations? That is, where local governments have under contractual agreement provided policing services to their communities through the sheriff’s office, instead of directly instituting their own municipal departments, do sheriffs’ deputies function differently under such arrangements (in terms of policing behaviors and outcomes) than municipal police officers would in these settings? Are the policing services, under these contractual arrangements, notably different in terms of content or in public satisfaction?

NOTES

An earlier version of this paper was presented at the annual meeting of the American Society of Criminology, Phoenix, AZ, October 1993.

1. Of the four policing texts sampled, one was entirely silent on the issue of the sheriff, and none of the others dedicated more than a page to this important and uniquely Anglo-American policing institution. Together, out of more than 1,500 pages of text on policing, the four textbooks included a combined total of less than three pages on the county sheriff.

2. Here “policing” refers to a wide range of governmental activities aimed at maintaining the public order of the polity. It includes law enforcement as one component function, but it also includes a
number of other order maintenance activities, many of which are positive in nature and service oriented. Examples of this include: proactive, community-oriented patrolling, order maintenance, rendering aid, giving direction, counseling and advising, expediting vehicular traffic, and many other services and activities. Law enforcement entails a much more restricted task, dealing explicitly with a narrow range of activities involving the enforcement of statutory prohibitions and obligations; at a fundamental level, this can be argued to be an exclusively negative function of government.

3. As a limited variation of county-level policing, a sheriff’s police department is a legally recognized organizational unit within a sheriff’s office, which has as its sole agenda the responsibilities associated with policing and law enforcement – much like a municipal police agency. Sheriff’s police are not involved in civil process and are managed by a chief of police appointed by either the sheriff, a sheriff’s commission or the county board. Illinois, for example, allows by statute for the creation of a sheriff’s police in counties with a population of 1 million or more (Illinois Revised Statutes: 1991). This organizational form occurs very infrequently, since in the example of Illinois, the sole county required and authorized to establish a sheriff’s police department is Cook County with nearly half a million inhabitants. The remaining 101 Illinois counties retain the traditional sheriff’s office.

4. Through contractual agreements some states allow municipalities to have jurisdiction outside their corporate limits. Alabama, for example, allows municipal police agencies to extend their jurisdiction (known as a police jurisdiction) several miles beyond the limits of the municipality.

REFERENCES AND FURTHER READING


“Celebrating 1,000 years of the office of the sheriff” (1992), Sheriff, 44(3), 10-13.


Falcone, D.N. and Wells, L.E. (1993), The County Sheriffs’ Office: A Distinctive Policing Modality, Paper presented to the American Society of Criminology meeting, Phoenix, AZ.


Illinois Revised Statutes (1991), chapter 125, section 51.


Law Enforcement Management and Administrative Statistics (LEMAS, 1990), Data Set US Department of Justice, Bureau of Justice Statistics: Washington, DC.


NSA (National Sheriffs’ Association) (1979), County Law Enforcement: An Assessment of Capabilities and Needs, National Sheriffs’ Association: Washington, DC.


