

# **A special thanks to the Dickson County Sheriff's Office (Tennessee) for their rendition of history of the sheriff.**

## **English History**

The tradition of the Office of Sheriff truly began in England, dating back at least to the reign of Alfred the Great of England, and some scholars even argue that the Office of Sheriff was first created during the Roman occupation of England.

The Office of Sheriff became bedrock of English society and government, and the High Sheriff was for centuries the pivot around which the machinery of government was to turn. The whole constitutional, economic, judicial and administrative development was dependent on the office of High Sheriff.

The concepts of “county” and “Sheriff” were essentially the same today as they have been during the previous 1200 years of English legal history. The county form of government and the Office of Sheriff are inseparable and because of the English heritage of the American colonies; the new United States of America adopted the English law and legal institutions as its own.

## **Anglo-Saxon Sheriff**

Around 500 AD, Germanic tribes from Europe (called the Anglo-Saxons) began an invasion of Celtic England, which eventually led over the centuries to the consolidation of Anglo-Saxon England as a unified kingdom under Alfred the Great late in the 9<sup>th</sup> Century (871 – 901). Alfred divided England into geographic units called “shires”, or counties.

Early Anglo-Saxon communities were fiercely independent, resisting any form of central control. People lived in small rural tuns, the source of the modern English word town. These Anglo-Saxons were often at war. Sometime before the year 700, they decided to systematize their methods of fighting by forming a system of local self-government based on groups of ten. Each tun was divided into groups of ten families, called tithings. The elected leader of each tithing was called a tithingman.

The tithings were also arranged in tens. Each group of ten tithings (or a hundred families) elected its own chief. The Anglo-Saxon word for chief was gerefa, which later became shortened to reeve.

During the next two centuries, a number of changes occurred in this system of tithings and reeves. A new unit of government, the shire, was formed when groups of hundreds banded together. The shire was the forerunner of the modern county. Just as each

hundred was led by a reeve (chief), each shire had a reeve as well. To distinguish the leader of a shire from the leader of a mere hundred, the more powerful official became known as a shire-reeve.

The word shire-reeve eventually became the modern English word Sheriff. The Sheriff was in early England, and metaphorically is in present-day America, the keeper, or chief, of the county.

Although every freeman pledged the good behavior of his neighbor, there was some need for law enforcement. Under Alfred the Great, who assumed the throne in 871 AD, reeves began to be combined, forming shires or counties, each shire led by a shire-reeve. Throughout the ninth and tenth centuries, the Saxon Kings were appointing shire-reeves and then, latter, high shire-reeves as royal servants, trusted and loyal, to manage their affairs in the more distant parts of their Realm. A new title began to appear, Scirgerefa—a combination of two Anglo-Saxon words: scir meaning shire, and gerefa [meaning] a reeve or guardian. This title was soon to be abbreviated to shireeve and then finally to sheriff—the guardian of the shire. “Keeper and Chief of his county.”

King Alfred had not long been dead, Ethelred the Unready was on the throne, and King Canute was soon to invade Wessex. The Danes were doing what Danes did best in the tenth century—pillaging, ravaging and ravishing! There was still no united Kingdom of England let alone Scotland and Wales, and the Battle of Hastings, 1066, was 74 years away.

Out of this disunited and disorganized society arose a Crown appointment known then and one thousand years later as the High Sheriff. Through the centuries the powers of the High Sheriff have grown and latterly declined. But in the days of Ethelred and Canute and for many centuries afterwards, he was a force to be reckoned with. In those early days, the scirgerefa was Chancellor of the Exchequer, home secretary, secretary of state for defense, minister for agriculture and a host of other appointments all rolled into one great Crown office.

## **Hue and Cry – Bear the Wolf’s Head**

The shire-reeve or sheriff was the chief law enforcement officer of his county, responsible for interpreting the law and maintaining and order within his own county. But every tithing man was expected to share the obligation, remaining the duty of every citizen to assist the Sheriff in keeping the peace. If a criminal or escaped suspect was at large, it was the Sheriff’s responsibility to give the alarm – the hue and cry, as it was called. Any member of the community who heard the hue and cry was then legally responsible for helping to bring the criminal to justice. This principle of direct citizen participation survives today with the procedure known as posse commitatus. In the earliest days, the sheriff would pronounce sentence of outlawry with the words “let him bear the wolf’s head.” This meant that the outlaw could be hunted down and slain in the same way that marauding wolves were hunted. The sheriff could then raise “the hue and cry” officially known as the “posse commitatus” or power of the county. Eventually

sheriffs assigned four to six men in each tun to night watch, and they patrolled, carrying lantern and staff.

A few centuries later a new form of law enforcement began when officers were employed to assist the Shire-reeve to enforce laws of the county. These Officers were known as, "comes stabuli", or constable.

Around the thirteenth century the position of "Bailiff" evolved. He was responsible for maintaining a night watch inside the locked gates of the city. The Bailiff was a paid position, male who was over the age of sixteen and generally was untrained for their jobs.

Landholders, who were known as serjeants because they acquired their land through military service and were often called upon to assist the bailiff in his duties as their city would grow in size.

Between 700 and 800, noblemen who had been granted large estates by the king generally appointed sheriffs. They were supposed to protect the interests of the noblemen who appointed them.

## Norman Sheriff

The days of the Saxon sheriffs were numbered. The tradition of extreme localism came to an end in 1066, at the Battle of Hastings, when Duke William of Normandy, William the Conqueror and the Normans, who were invaders from France, defeated the Anglo-Saxon King Harold. William, who did not believe at all in local government, instituted his own Norman centralized form of government in England. Rule was greatly consolidated under the Norman king and his appointees, centralizing their power. This centralization of government also began to centralize law enforcement. More than ever before, the sheriff became an agent of the king.

The Saxon sheriffs from all the southern counties—Wiltshire and Dorset, Somerset, Hampshire, Sussex and Kent, Middlesex and Berkshire—rode at the head of their levies of armed men to take up battle stations under the King Harold's standard—the Golden Dragon of Wessex. For a few years, it suited William to retain the services of many Saxon sheriffs, but by 1076 not one English sheriff was left in office and the Normans had taken over.

Both under the Anglo-Saxons and under the Normans, the King of England appointed a representative called a "reeve" to act on behalf of the king in each shire or county. The "shire-reeve" or King's representative in each county became the "Sheriff" as the English language changed over the years. The shire-reeve or Sheriff was the chief law enforcement officer of each county in the year 1000 AD. During the reign of William the Conqueror, the sheriff had almost unlimited power. He was virtual ruler of the county, responsible for its revenues, military force, police, jails, courts and the execution of its writs. The importance of the office resulted not only from the scope of the Sheriff's

duties, but also from his direct relationship to the central government. The Crown appointed English sheriffs.

But if the office holders were no more, the office itself remained with little change. If anything, many of the Norman sheriffs were more unscrupulous than their Saxon predecessors. William began selling the shrieval office to the highest bidder and the methods used to recover the purchase costs were furiously condemned by the monkish chroniclers of the period. [Norman sheriffs] were also men of considerable imagination and inventiveness when it came to recouping some of the costs of their high office. One sheriff in the reign of King John raised money by kidnapping the mistresses of the clergy, returning them to their monastic lovers only after a high ransom had been paid.

In 1085, King William ordered a compilation of all taxable property in a census known as the Domesday Book. The sheriff became the official tax collector of the King.

The Norman sheriffs were not liked in the shires, for apart from their tax collecting, they were looked on as hated foreigners. They had to adopt often-brutal methods to enforce their authority. These were violent times—revolts and conspiracies abounded. The sheriffs appeared to function best, from the point of view of the King, when left to their own devices. Gradually however, their own devices became too much even for the mildest of Monarchs in spite of their skills in raising the funds required. They began to consider their offices hereditary, and shortly after the death of William the Conqueror in 1087, the sheriffs began to challenge the authority even of the King. The Anglo-Saxon Chronicle records that there was “great commotion and treason everywhere.”

There were no police, no judges, not even magistrates, no internal revenueurs, no customs and excise officers. The scir-reeve did the lot. He had the powers of arrest, he could raise armies, collect taxes and levies, and he presided over courts, dealt with traitors and generally supervised on the King’s behalf everything that went on in the Kingdom. With all this power, many of the sheriffs were, as is recorded of a certain Godric, sheriff of Berkshire and Buckinghamshire, “colorful old scoundrels”.

The sheriff’s activities, colorful or otherwise, are recorded at length in Domesday Book. As collectors of taxes, they made few friends, and since the monks and clerics were both the chief chroniclers of the day, and also an important source of revenue for the high reeve, the tabloids of the tenth century and several centuries thereafter are filled with the misdeeds of the sheriffs.

Bishop Wulfstan, in the reign of King Ethelred, denounced the reeves for their “injustice, plundering, subtlety, perverse judgment and trickery.” The gossip writers of the tenth century had a field day with the sheriffs.

Partly because of this commotion and partly because he felt that the sheriffs were pocketing for themselves more than their fair share of their fund-raising ventures, William Rufus, who succeeded his father the Conqueror, began the gradual dismemberment of their judicial powers. A powerful royal official, the itinerant justice,

began roaming throughout the shires keeping a watchful eye on the wheelings and dealings of the sheriffs. From these early beginning came the justices of the peace a few centuries later and these were soon to have sufficient authority to imprison a sheriff for his misdeeds. By the end of the reign of Henry I (1135) the sheriff was firmly under the control of the Monarch. His judicial powers had been curbed, his duties as royal revenue collector were watched closely, and he was subject to stiff fines or even dismissal for any misdemeanors. The length of his term of office was also decided by Henry.

But in these early centuries of the first millennium, the sheriff was able to bounce back with amazing dexterity. Under Stephen in the twelfth century, [the sheriff] regained much of the authority lost under Henry I. Henry II once again reversed this trend and, indeed, at one point, sacked the entire shrievalty pending an inquiry into their behavior. The idea of sacking the sheriffs appears to have caught on, for Richard I repeated the exercise and then sold the office back to the highest bidder so as to raise funds for the Crusading Wars.

It was during the reign of Henry II that the sheriffs and then the itinerant justices gave themselves, for the first time, the power to imprison. This was always done in a way that the prisoner could “put an end” to it by paying money. The Latin for end is “finis” and so the word “fine” emerged.

In 1116, Henry I, established a penal code, in which murder, arson, counterfeiting, and robbery were made felonies. Although the Crown reserved to itself the power to punish, investigation and apprehension were delegated to his law enforcement officials, the sheriffs. Through the next century, as the power of the king increased, so did that of his law enforcement officers.

Dictatorial rule by a series of powerful kings became more and more intolerable over the years. Finally, in 1215, an army of rebellious noblemen forced the despotic King John to sign the Magna Carta. This important document restored a number of rights to the noblemen and guaranteed certain basic freedoms. The sheriff played a prominent part in the creation of the Magna Carta, with fourteen former and existing holders of the office either in an advisory capacity or as the main participants. Of the 63 clauses, 27 are directly concerned with the sheriff and his office, and so the Magna Carta is looked upon as the finest proof of the importance of the sheriff in the governing of medieval England. The Magna Carta, firmly and permanently established the importance and authority of the Office of Sheriff.

It was during this century that hereditary sheriffs disappeared, as well as the practice of renting shires to sheriffs.

In 1235, every shire received a new sheriff who was still responsible for revenues owing to the national exchequer. Also at this time, the sheriff was given a new function, which he still retains in the twentieth century, as parliamentary returning officer. They were ordered in 1254 to preside over the election of two knights to represent each shire at Westminster.

The story of the sheriff over the next few centuries is so fraught with intrigue, conspiracy, danger and unrewarding—even loathsome—duties, that it is astonishing that men could be found to accept the office. Indeed, there are more accounts of desperate and usually unsuccessful attempts to avoid appointment than there are of men willing to take on this “honorable burden”. One of their loathsome duties was thrust upon them by a statute of the early fifteenth century, which decreed that any person convicted of teaching anything contrary to the Catholic faith should be passed over to the sheriff who should “have them burned before the people in some prominent place.”

The office of sheriff in medieval times, and for many centuries thereafter, was not one that was universally sought. The holders often found themselves deep in debt or in prison for failure to balance their account with the exchequer. This increase in harassment by exchequer officials meant that not only was there no longer any profit to be made out of the sheriff’s office, but it was rapidly becoming a financial burden, and those who undertook these duties did so at considerable risk.

Over the next few centuries, the Sheriff remained the leading law enforcement officer of the county. To be appointed Sheriff was considered a significant honor. The honor, however, was a costly one. It was expensive to be sheriff. If the people of the county did not pay the full amount of their taxes and fines, the sheriff was charged with collecting taxes and fines on the king’s behalf and was held personally responsible to the crown for amounts which went unpaid, requiring the difference to be made up out of his own pocket. Furthermore, the Sheriff was expected to serve as host for judges and other visiting dignitaries, providing them with lavish entertainment at his own expense.

For these reasons, the office of Sheriff was not often sought after. In fact, many well-qualified men did everything they could to avoid being chosen. The law on this point was quite clear – if a man was chosen to be Sheriff, he had to serve.

## **Westminster Period – Commonwealth Period Sheriff**

During the Westminster Period, 1275 to 1500, governmental reforms created the offices of bailiff and sergeant, supplementing the sheriff. But county government remained in the hands of the sheriff. He was the most important official, and frequently was known as the “great man” of the county. So it remained throughout the Commonwealth Period, 1653 to 1712.

## **Tudor Sheriff**

Under the Tudor Monarchs in the sixteenth century, the sheriffs again began to lose many of their powers. Justices of the peace were taking over the judicial functions in the counties. Henry VIII was suspicious of the loyalties of the sheriffs and did little to strengthen their position. The Tudors distrusted them also as collectors of royal revenues. Henry dealt a cruel blow to the authority of the sheriff when, towards the end of his reign, he created “lords lieutenant” to take over as the military leaders of the shire. However, the sheriff remained the King’s chief representative in the county until 1908 when Edward VII gave the lords lieutenant precedence over the sheriffs.

At last, in the eighteenth century, as the office of high sheriff became an ever-greater financial burden to its holders, Parliament came to the rescue. There was a commission of inquiry, and in 1717, two statutes were passed which provided special allowances and did much to ease the burdens of the office. As the twentieth century millennium came ever closer, and one by one the ancient powers of the sheriff slowly disappeared under the weight of modern legislation, two events took place that can claim to be as legislatively and symbolically significant as anything in the one thousand years of the Shrievalty. First, in 1833, came the act that swept away, after nine hundred years, all tax and revenue collecting duties of the sheriff, and second with the disappearance of these duties went the terrifying ordeal of the annual accounting of these revenues before the national exchequer.

## American History

When settlers left England to colonize the New World, they took with them many of their governmental forms, including their law enforcement system. The Office of Sheriff traveled with these colonists. In New England, where towns and villages were the principal governmental units, the watch and ward was used. In the Middle Atlantic and Southern states, where people settled on plantations and small farms the county system of government was natural and strong, The Office of Sheriff was more important here, than in those areas where local government centered in towns or townships.

### Colonial Sheriff

The first colonists arrived in Virginia was in 1607, and by 1619 they became self-governing under the auspices of the English parent form of rule. The first form of law enforcement on the continent was not the sheriff but provost marshals and marshals who operated under a central authority for military matters from 1625 to 1627. In 1634, Virginia was divided by statute into eight shires, or counties, which was governed in an adaptation of the overseas model. Along with the shire form of government came the administrative position of sheriff.

In 1634, William Stone was appointed the first sworn sheriff in America by becoming the sheriff in the County of Accomac, Virginia and served two (2) consecutive one-year terms. The first sheriffs in Virginia were selected from exclusive influential groups of large landholders within the counties.

There is some debate as to the who, where and when of the first sheriff in America. Some researchers state that America's first sheriff was Lord William Baldrige, appointed in 1634 in St. Mary's County, Maryland.

A series of statutes involving the appointment of county offices and office holders were created. A Virginia proclamation of March 13, 1651 required each county to choose a sheriff. In an interesting departure from the previous appointment process, which would prove to be prophetic in future years, the commissioners of Northampton County

Virginia asked its inhabitants to elect its sheriff. In 1651 William Waters became the first elected sheriff in America.

Although this particular Sheriff was chosen by popular vote, most other colonial Sheriffs were appointed. In both states the sheriff was delegated the same powers of the office held in England.

Just as noblemen in medieval England had depended upon Sheriffs to protect their tracts of land, large American landowners appointed Sheriffs to enforce the law in the areas they controlled. Unlike their English counterparts, however, American Sheriffs were not expected to pay extraordinary expenses out of their own pockets. Some Sheriffs – most of whom were wealthy men to begin with – even made money from the job.

As in England, law strictly enforced respect for the sheriff. A special seat often was reserved for him in church. Contempt against the sheriff was considered an offense punishable by whipping. At this time, sheriffs were responsible for both enforcing the law and punishing offenders. The power extended to dealing with religious nonconformists.

By the time the colonies of the New World were united a century later, the sheriff was no longer appointed. He was elected. Fortunately, the Office of the Sheriff remains an elected position in Tennessee and elsewhere and in virtually all jurisdictions, including Tennessee; the sheriff is the only law enforcement officer who is directly accountable to the public at large.

Throughout the 18th and 19th centuries, American Sheriffs were assigned a broad range of responsibilities by colonial and state legislatures. Some of these responsibilities, such as law enforcement and tax collection, were carried over from the familiar role of the English Sheriff. Other responsibilities, such as overseeing jails and workhouses, were new.

Prior to the signing of the Magna Carta in 1215, the most common punishments for crimes that did not warrant the death penalty had been flogging or other sorts of physical mutilation. When confinement became favored as a more civilized way to deal with criminals, authorities in medieval England introduced the county jail. They began to experiment with other sorts of facilities as well. Among these was the workhouse, where minor offenders were assigned useful labor, and the house of correction, where people who had been unable to function in society could theoretically be taught to do so.

All three of these institutions were brought to colonial America and the responsibility for managing them was given to the colonies' ubiquitous law enforcement officer – the Sheriff.

## **“Wild West” - The Western Frontier Sheriff**

Horace Greeley, the Editor of the New York Tribune, wrote to the huddled masses in the eastern cities, “Go West Young Man!” and they did. As Americans began to move

westward, they took with them the concept of county jails and the office of Sheriff. The Sheriff was desperately needed to establish order in the lawless territories where power belonged to those with the fastest draw and the most accurate shot. Here, it is said, Sheriffs fell into two categories: the quick and the dead. Most western Sheriffs, however, kept the peace by virtue of their authority rather than their guns. With few exceptions, Sheriffs resorted to firepower much less often than is commonly imagined.

In American history, the frontier was the western most area of settlement at any given time during the westward expansion of the nation. It began in Jamestown in 1607 and the line kept moving west. The period of time known as the "Wild West" was from about 1835 until 1895, and the area for which it identifies was roughly the land west of the Mississippi River.

The 19th Century was the golden age of the American Sheriff. Part of the significance of the Office of the Sheriff In the American West was derived from the rural conditions of the area. The vastness of the territories required broad jurisdictional enforcement needs. The other significance resulted in the general need for law enforcement in a relatively untamed and lawless condition that was rampant in the West. Because of the lawlessness, a need for powerful and unique personalities to control the crime issues was called for. As a result, colorful and dramatic persons were to hold the office of sheriff in the Wild West. These personalities have provided imagination fuel for our concepts of how the West was won. Characters like "Wild Bill" Hickok, Wyatt Earp, Bat Masterson, Pat Garrett, William "Bill" Tilghman, William Brenkenridge, Commodore Perry Owens and John Slaughter are all colorful part of American History.

The West was harsh and rugged and in order to conquer it, only the brave and strong could survive. The Louisiana Purchase of 1803 almost doubled the size of the country and there was no shortage of settlers heading toward the setting sun. Many attitudes and principles accompanied these migrants. Rugged individualism, conquest, progress, free enterprise, the right to bear arms, and law and order principles reinforced American ideals. The sheriff was a major player in these processes.

Western centers of populations were small and isolated and usually exhibited a reasonable amount of peace and order. Most citizens in the West lived peacefully and without great fear of personal attack. The majority of the settlers were hard working, honest and honorable who came to build a new life in the West. Violence existed more as a by-product of the era and environment rather than a demonstration of true and total lawlessness. However, violence and crime were dramatically in existence during this period and sheriffs were an important part of crime fighting matters in the nineteenth century West.

Social misfits of various sorts, who had failed for various reasons in the East, followed the allure of the West and all its attractions. Thus, the West became a refuge for the potentially violent and lawless. The maladjusted became a basic equation for social turmoil. The heterogeneous population in the territories required a local control to deal with the complex issues of turbulence and crime. This was all very much like the need for local controls in government form that were needed in medieval England and Colonial America. As a result the Office of Sheriff was a ready-

made entity to deal with the issues of crime on a local level. The idea that a position of this nature could be elected gave it an added dimension. It could reflect the needs of the community, and the citizens could have a direct input into the process of law and order by virtue of their vote.

Confronted with serious issues of crime, disorder, vice, and violence, the pioneers of the old West turned to members of their communities to enforce order. With a multi-century background and history, the Office of Sheriff was a natural addition in this environment. Selection could be made by appointment, or in most cases by popular vote from community residents to select a sheriff. The countywide jurisdiction of the office fit very nicely in the law enforcement efforts and supervision of the vast countryside. The ability of the sheriff to respond to the hue and cry and to raise a posse helped greatly with the issues of crime and the isolated nature of the frontier. The office that had evolved over the centuries was a "hand in glove fit" for local law enforcement in the Wild West.

The Office of the Sheriff spread from community to community throughout settled areas west of the Mississippi. Even isolated areas of the West generally had a sheriff as their governments developed. Legal provisions varied but essentially statutes called for an elected sheriff to be the primary police agent for the organized county governments. Terms usually varied between two and four years and a variety of checks and balances were placed providing for the removal of an official.

Sheriffs were generally allowed to hire assistants or deputies to help with the day-to-day responsibilities of his office. He was also allowed to appoint citizens to perform certain functions to preserve the peace. The posse comitatus, or power of the county, enabled sheriffs to summon aid.

Along with general powers of arrests, states gave sheriffs widely divergent privileges. Wyoming allowed for sheriffs to use a residence for his law enforcement purposes at county expense. New Mexico extended jurisdictional limits of the sheriff to permit him or his deputies to enter all counties in the state to affect an arrest and to have concurrent rights of posse comitatus in every county. While the duties of sheriffs and their deputies were multitudinous, the primary law enforcement functions were virtually identical throughout the early West.

An 1861 Nevada statute illustrates typical duties of the sheriff: "It shall be the duty of Sheriffs and of their deputies to keep and preserve the peace in their respective counties, and to quiet and suppress all affrays, riots, and insurrections for which purpose, and for the service of process in civil and criminal cases, and in apprehending or securing any person for felony, or breach of the peace, they may call upon of their county"

As chief law enforcement officer of the county, the sheriff performed diverse duties. In many jurisdictions he served as tax collector, similar to the duties of the colonial sheriff. Also in contrast to its colonial forerunner, the sheriff had to administer corporal punishment, as directed by the courts. The sheriff often times was required to carry out the sentence of death. These rustic executions in the Wild West were performed

primarily by hanging an offender. Sometimes sheriffs constructed formal gallows for this purpose, and other times a rope was simply tossed over a stout tree limb to accomplish the execution. This onerous duty of a Western Sheriff is poetically illustrated by Judge Roy Bean's (Hanging Judge, Law West of the Pecos) death sentence of a man convicted of murder in his court.

***“Jose Manuel Miguel Xavier Gonzales, in a few short weeks it will be spring. The snows of winter will flow away, the ice will vanish, the air will become soft and balmy. In short, Jose Manuel Miguel Xavier Gonzales, the annual miracle of the years will awaken and come to pass. But you won't be here. The rivulet will run its soaring course to the sea. The timid desert flowers will put forth their tender shoots. The glorious valleys of this imperial domain will blossom as the rose. Still you will not be. From every treetop, some wild songster will carol his mating song. Butterflies will sport in the sunshine. The gentle breeze will tease the tassels of the wild grasses, and all nature. Jose Manuel Miguel Xavier Gonzales, you will not be here to enjoy it. Because I command the sheriff of the county to lead you away to some remote spot, swing you by the neck from a knotting bough of some sturdy oak, and let you hang until dead. And then, Jose Manuel Miguel Xavier Gonzales, I further command that such officer retire quickly from your dangling corpse, so that vultures may descend from the heavens upon your filthy body, until there is nothing but bare, bleached bones of a cold blooded, blood thirsty, throat cutting, murdering S.O.B.”***

Other duties of the office, collateral to the crime fighting duties, were rather mundane and involved the service of process or other civil enforcement functions, which were performed usually under peaceful conditions. Some counties prescribed rather peculiar duties like inspecting cattle, fighting fires, or eradicating prairie dogs. No matter what the specific duties of a community required, universally by the later part of the nineteenth century, the sheriff occupied the preeminent position in law enforcement throughout the West.

## **Posse – The Power of the County**

Since the time of the early reeves in England, when help was needed to apprehend a criminal, a hue and cry could be made to enlist support with law enforcement efforts. The tradition followed the sheriff to the New World and it would become a foundation of law. As well as being a basis of law, it became a stimulus, which would capture the imagination of the American people and serve to inspire their will with regards to law and order. It invested the citizens in the law enforcement process and served to extend the office's usefulness by enabling and allowing for unlimited manpower resources at times of greatest need. In America the Latin term "posse comitatus" was used to describe this volunteer effort. Literally translated, posse comitatus means "the power of the county". The authority of the posse comitatus was acquired through the powers of the office of sheriff and allowed the sheriff to recruit any person over the age of fifteen to aid in keeping the peace or to assist in the pursuit of felons. These efforts could be

made with the presence of, or the absence of the sheriff. Much of the philosophies of law regarding citizen's arrest powers are founded in the posse comitatus premise.

The posse comitatus would become shortened to a vernacular version of just "posse". The American posse would become a mainstay of law enforcement discharge in the years to come. It would be employed to a great extent in the American Wild West period as a regular tool of marshals and sheriffs. The American posse would become romanticized in dime store novels and newspapers throughout the era. In later years it would again be romanticized in movies and television programs. The posse continues to be used in contemporary terms and still serves useful law enforcement purposes in many parts of the United States.

## The Twentieth Century Sheriff

The twentieth century brought a marked decline in strength of the Office of Sheriff in many parts of the country. Three (3) primary reasons for the decline are:

- 1) Abuse of the political nature of the office,
- 2) Academic and media misrepresentation and
- 3) The lack of professionalism, standards and training.

All these factors resulted in serious breaks of understanding of the Office of Sheriff, regarding its role and importance in the criminal justice system.

### Politics

Politics and the Office of Sheriff became universally intertwined in the twentieth century. Areas with large metropolitan populations, 'political machines' often controlled the Office of Sheriff and used as a political career stepping-stone. The post enabled the sheriff to make political appointments to enhance his own political stature.

Grover Cleveland is a good example of this process. He was elected sheriff in Erie County, New York prior his being a district attorney, New York State Governor, and eventually president of the United States. Accounts of his term of office as sheriff identify him as a competent administrator.

This was not always the case. The Office of Sheriff was often a stronghold for political patronage and opportunistic abilities for "pocket lining". Corruption and abuse of the Office of Sheriff prompted numerous civic groups to take action, eventually leading to reforms, i.e., Civil Service and State Legislation.

As an elected official, the sheriff often times is more subject to popular will than an appointed police chief. Along those lines, from a professional police management perspective, the elected

nature of the sheriff's office has presented problems indigenous to its own perspective. For instance: sheriffs with no law enforcement service or training have been elected to the position, sheriffs lacking skills have defeated sheriffs with greater skills by virtue of political popularity, there have been no statutory experience or education requirements placed on seeking the job, and survival in office has sometimes required political compromise at the expense of professional commitment.

The elected nature of the office has been cause for the most serious indictments of the office. Allegations regarding a sheriff being required to participate in partisan politics in order to hold his office are the most prevalent criticism. Yet in reality, all law enforcement executives are politicians in one form or another. Some may refute this assertion, but only out of misguided notions that politicians are evil or that an administrator cannot be a politician and a professional manager at the same time. Realistically, a politician is nothing more than a person accountable to the public for decisions made in the performance of duty.

## **Academia and Media**

The Office of Sheriff was frequently overlooked when police training, professionalism and administration was the topical discussion. Little, if any, emphasis was placed on the office in police literature, and if there was reference to the position it was generally unfavorable. Some of the academic police literature referrals to the Office of Sheriff during the time period of the 1920's and 1930's are as follows: "a dyeing medieval throwback", "an outdated law enforcement institution" and "dark continent of American politics" When policing and law enforcement literature analyzed the office it was in the role as a jailer, court bailiff, process server, and county tax collector.

Historically, the tasks and roles of sheriff's departments and police departments have been fundamentally different. Sheriff's law enforcement functions have often been relegated to jurisdictions of sparse populations that could not support a municipal police agency. A false perception existed that the Sheriff law enforcement functions and problems were not the same as those inherent within in a municipality. In addition to the Sheriffs role as the keeper of the jail and the courts and service of civil process, were law enforcement duties.

The Sheriff's limited portrayal may have been a partially correct during the early part of the twentieth century. This all changed somewhat after World War II, when populations expanded out to rural areas. This eliminated part of the distinction between sheriffs and chiefs when "big city" problems came to the country.

As the nation's police interest was escalating, the Office of Sheriff was neglected or worse defamed. The media stereotyped sheriffs in contemptuous ways that degraded and almost never enhanced the stature of the office. Sheriffs (especially southern sheriffs) were characterized as corrupt, brutal, cruel, inhumane, prejudiced, lazy, stupid, inept, biased, and not even minimally effective.

During the same time, other media representations of big city police departments were depicting policemen as smart, tough, attractive, compassionate, and able to solve the toughest crimes with heroic and brilliant efforts. As the image of sheriffs was being tarnished the counterpart police officers image was being polished.

This made for a vivid contrast. The appearance of sheriffs was of ineffective creatures that had not evolved from the Wild West period while more modern police agencies were held out as paragons of excellence.

## **Professionalism and Training**

"Professional" has been a difficult title for Sheriffs to earn. Throughout history, the office of Sheriff was awarded to the richest, the strongest or the luckiest – but not necessarily the best qualified.

The academia and media characterization was especially damaging in the rural South where the Office of Sheriff was often the most important, if not the sole law enforcement agency in the county and many it's unincorporated areas.

The restrictions under which a sheriff must operate limited the standards of professionalism for the office. (1) The county frequently is so small and/or so impoverished as to make an adequate program of law enforcement difficult to support; (2) tenure sometimes is restricted by state statute or constitution; (3) professional qualifications for the office are virtually nonexistent; (4) compensation sometimes takes the form of fees and commissions rather than a fixed salary; and (5) the time and resources for law enforcement work ordinarily are reduced by the requirement that the sheriff other responsibilities and duties i.e., supervision of the county jail and its prisoners, service of civil process, and attending the courts.

The Office of Sheriff had and still today has to some extent, a large handicap to overcome, but is resilient, adaptable and enduring.

The National Sheriffs' Association (NSA) was founded in 1940 to give a voice to the Sheriffs of America. The NSA invites every newly elected Sheriff to attend its two-week National Sheriffs' Institute, conducted at the FBI Academy in Quantico, Virginia. The Institute provides Sheriffs with the latest available information in such areas as management, technology, law, personnel and jail administration.

In the 1960's the Peace Officers Standard and Training Commission (P.O.S.T.) was created. P.O.S.T. operates under the authority of Tennessee State Law and mandates training (basic and in-service) for all Tennessee law enforcement officers. (State, County and City)

This mandated basic training (currently 10 weeks in length) is conducted at the Tennessee Law Enforcement Training Academy located in Nashville, TN. In-Service Training (annual 40 hours of training) is conducted locally.

Additional law enforcement training is available at little or no costs to Sheriff's Offices at the U.S. Justice Department's Federal Law Enforcement Training Center in Glynco, Georgia, and the National Institute of Corrections' National Academy of Corrections in Longmont, Colorado.

## The Contemporary Office of Sheriff

In the minds of many Americans, the role of Sheriff ended with the taming of the "Wild West." Of course, nothing could be further from the truth. There are more than 3,000 counties in the United States today, and almost every one of them has a Sheriff. Some cities, such as Denver, St. Louis, Richmond and Baltimore, have Sheriffs as well.

In the majority of states, the office of Sheriff is established by the state constitution. Most of the remaining states have established the office by acts of their state legislatures.

Alaska is the only state in which the Office of Sheriff does not exist. The reason being Alaska has no county system of government.

There are only two states in which the voters do not elect the Sheriff. In Rhode Island, the governor appoints Sheriffs. In Hawaii, the state's chief justice appoints Sheriffs.

Because the office of Sheriff exists in so many different places and under so many different conditions, there is really no such thing as a "typical" Sheriff. Some Sheriffs still have time to drop by the town coffee shop to chat with the citizens each day, while others report to an office in a skyscraper and manage a department whose budget exceeds that of many corporations. Despite their differences in style, however, most Sheriffs have certain roles and responsibilities in common:

### Law Enforcement

Most Sheriffs' offices have a responsibility for law enforcement, a function that dates all the way back to the origins of the office in feudal England. Although the authority of the Sheriff varies from state to state, a Sheriff always has the power to make arrests within his or her own county. Some states extend this authority to adjacent counties or to the entire state.

Many Sheriffs' offices also perform routine patrol functions, such as traffic control and accident investigations, and transportation of prisoners. Larger agencies may perform criminal investigations or engage in other specialized law enforcement activities. Some large Sheriffs' offices may have an air patrol (including fixed-wing aircraft or helicopters), a mounted patrol, or a marine patrol at their disposal.

Many Sheriffs enlist the aid of local neighborhoods in working to prevent crime. The Neighborhood Watch Program, sponsored by the National Sheriffs' Association, allows citizens and law enforcement officials to cooperate in keeping communities safe.

A Sheriff's law enforcement activities often involve assistance to those affected by crime. For example, the National Sheriffs' Association's Victim Witness Program, sponsored in partnership with the U.S. Department of Justice, offers training and technical assistance for Sheriffs who want to change the way in which the justice system responds to the needs of crime victims and witnesses.

As the Sheriff's law enforcement duties become more extensive and complex, new career opportunities for people with specialized skills are opening up in Sheriffs' offices around the country. Among the specialties now in demand are underwater diving, piloting, boating, snow skiing, radar technology, communications, computer technology, accounting, emergency medicine and foreign languages (especially Spanish, French and Vietnamese).

## **Court Duties**

In every state in which the office exists, Sheriffs are responsible for maintaining the safety and security of the court. A major function of the sheriff to the court is to provide bailiffs. Typical duties of the bailiffs are to provide court security, assist with the flow of cases, escort prisoners to and from the courtroom, and maintain juries, or to perform other court-related functions.

## **Jail Administration**

Most Sheriffs' offices maintain and operate county (parish) jails, detention centers, detoxification centers, and community corrections facilities such as work-release group homes and halfway houses. Sheriffs, and the jail officers under their authority, are responsible for supervising inmates and protecting their rights. They are also responsible for providing inmates with food, clothing, exercise, recreation and medical services.

This responsibility has become more difficult as old jail facilities deteriorate and become overcrowded. The mid-1970s brought on an explosion of lawsuits filed by inmates to protest their conditions of confinement. In recent years, however, national and state commissions, along with the courts, have been working together with local authorities to make jails more hospitable and humane.

This effort has brought Sheriffs and their jail officers into partnership with judges, district attorneys and corrections officials. As jail conditions improve, Sheriffs and their agencies are earning increased respect and recognition as professionals.

## **Civil Process**

Another significant role of the sheriff is to provide civil law enforcement service on behalf of the courts. Municipal police officers are generally prohibited from performing this function. In the event enforcement is needed on behalf of the court, exclusive of criminal law enforcement, the sheriff is the primary agent in the United States to provide it. Civil process service, summonses, evictions, service of court orders, writs, repossession orders, child support orders, and orders of protection are typical issues that are dealt with by sheriff's personnel.

## The Future Office of Sheriff

Along with myriad other changes being brought into the 21<sup>st</sup> Century comes a new breed of Sheriff. Far from the stereotypical shoot-'em-up lawman of the movies and television, today's Sheriff is likely to have a college degree, a graduate degree in criminal justice, law or public administration, and several years' experience in the criminal justice system. Law enforcement is increasingly complex in the new millennium. For the progressive, forward-looking Sheriffs' Offices of today, education and training are the keys to effective job performance. A positive public perception is vital to the success of the Office of Sheriff today and in the future. This image can only be accomplished through professionalism. Sophisticated social and communication skills are essential for sheriffs and their employees to be able to gather community support. Sheriffs must realize that their representatives reflect upon the image of the leader and all acts, either good or bad, will reveal their effectiveness portrait.

If the history of the office tells us nothing else it must be recognized that it is critical for sheriffs to maintain professional standards. Issues of integrity, ethics, neglect, misfeasance, and malfeasance of the Office of Sheriff, coupled with the lack of education and/or training, have been intertwined with the function for so long and for so many different reasons that it is difficult to separate fact from fiction with regard to professionalism. These issues of professionalism shall have to be addressed if the Office of Sheriff is to go boldly and brightly into the 21<sup>st</sup> Century.

At the county level, the sheriff, in most instances, represents one of the highest, if not the highest authority of law enforcement. Independence and self-governance is critically important to this office. Do to the elective nature of the position, it has an autonomous nature greater than that of other appointed law enforcement or correctional administrators. As the highest representative of the department, the sheriff answers ultimately to the voters, rather than to other government officials.

In the past some of the Office of Sheriffs' greatest criticism and greatest problem lied within its political roots. This may in fact be its greatest asset. As an elected official, a sheriff can be a social force within a community. Being the sole law enforcement officer in which the electorate can either endorse or discharge, a sheriff can represent the public's will on issues of community importance.

Elections represent the very foundation of our country and reflect our democracy. A sheriff can act as a representative of the community within the criminal justice system.

"One voice one vote" has provided for individual participation in the selection process of American leaders since the inception of our government. The elective process of selecting a sheriff can be translated into a positive issue about the office rather than a negative one. Sheriffs can point to the fact that if the public is not satisfied with the job they are doing, they can be voted out.

Many examples are being offered of new and innovative technologies in the immediate and not-too-distant future – some believable, some not so believable. Chances are, however, that people will remain very much the same. And therefore, the job of the Sheriff will remain much the same, as well. We will still need Sheriffs to enforce the law, to safeguard the courts and to maintain the jails. No matter what else changes, the Sheriff's motto will remain: "We Serve and Protect."