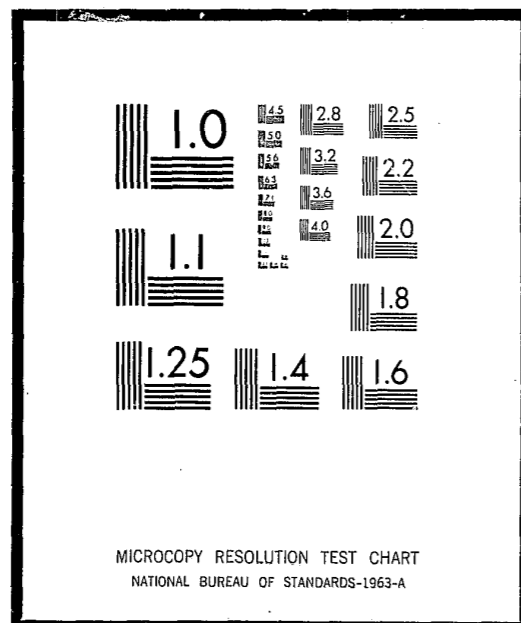


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ABSTRACT:

DESPITE THE UNIVERSALITY AND IMPORTANCE OF THE OFFICE OF SHERIFF, NATIONWIDE DATA DESCRIPTIVE OF ITS PRESENT-DAY STATUS ARE NONEXISTENT. PRIOR STUDIES HAVE BEEN LIMITED TO A SINGLE STATE AND USUALLY HAVE BEEN CONCERNED WITH DESCRIPTIONS OF CONSTITUTIONAL AND STATUTORY PROVISIONS AND NOT WITH THE GATHERING AND INTERPRETING OF STATISTICAL DATA ABOUT THE PRACTICES AND ACTUAL OPERATIONS OF THE OFFICE. IT HAS BEEN VIRTUALLY IMPOSSIBLE TO DRAW INTERSTATE OR REGIONAL COMPARISONS FOR SHERIFF'S DEPARTMENTS. THE OBJECTIVE OF THIS STUDY WAS TO FILL THE SERIOUS KNOWLEDGE GAP WHICH EXISTS WITH RESPECT TO THE PRESENT CHARACTERISTICS AND STATUS OF SHERIFF'S DEPARTMENTS. THE OBJECTIVE WAS TO PROVIDE THE UNITED STATES ATTORNEY GENERAL, THE OFFICE OF LAW ENFORCEMENT ASSISTANCE, THE NATIONAL SHERIFFS' ASSOCIATION AND THE INDIVIDUAL SHERIFFS WITH A MASS OF HITHERTOFORE UNAVAILABLE DATA DESCRIPTIVE OF THE ORGANIZATION, OPERATION AND LAW ENFORCEMENT RESPONSIBILITIES, NEEDS, PROBLEMS AND POTENTIAL OF SOUTHERN SHERIFFS. (AUTHOR ABSTRACT MODIFIED)

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A STUDY OF THE OFFICE OF SHERIFF
IN THE UNITED STATES

NCJRS, 955 L'ENFANT PLAZA WASHINGTON, D.C. 20024

A Study of the
OFFICE OF SHERIFF
IN THE UNITED STATES
Southern Region, 1967

by
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FOREWORD

If there ever was any truth to the worn-out epithet which called county government "the dark continent of American government," it was due in considerable part to a lack of information about the practice of those units which blanket almost completely the entire nation. Reformers in the earlier part of this century employed this phrase in derogation, but all too often its use resulted from generalizations which were derived from experience in or observation of a handful of counties. In point of fact, all too little is known about the practices of these 3,000-odd local units of government in the United States.

By focusing on one functional area, namely, law enforcement, the study reported here attempts to fill a portion of this void. Not only does it attempt to deal only with law enforcement and related activities but it is also a pilot study of a projected national endeavor. Only eleven of the fifty states have been surveyed and all of these are located in the southeastern region of the United States. It lays the groundwork, however, for a second phase which should add similar data for the contiguous forty-eight states.

From the inauguration to the completion of the study, the Bureau of Governmental Research at The University of Mississippi acquired many debts and it wishes to express its gratitude to the many persons who played a role in the process. Without the initiative and foresight of Dr. Edward H. Hobbs, the support and professional competence of the members and staff of the National Sheriffs' Association, and the financial support and cooperative attitudes provided by the Office of Law Enforcement Assistance in the United States Department of Justice, this project would never have become a reality. Dr. Hobbs, then Director of the Bureau of Governmental Research at The University of Mississippi, and now Dean of the School of Arts and Sciences at Auburn University, not only guided the Bureau's efforts through the proposal stage but he also served as the Project Director from November 1966 through June 1967 and thereafter he became a part-time consultant to the project. Without treading on the professional integrity of the research staff, Mr. Ferris E. Lucas, Executive Director of the National Sheriffs' Association, together with the Association's Executive Committee, gave the study guidance and warm support from the pre-proposal days to its completion. Of particular help were sheriffs Melvin Bailey (Alabama), Ross Boyer (Florida), Courtney Langston (Arkansas) and Malcolm McLeod (North Carolina). Mrs. Jane H. Yurow served as the liaison representative of the Office of Law Enforcement Assistance; to her and to her superior, Mr. Courtney A. Evans, Acting Director of OLEA, the Bureau of Governmental Research owes much.

Principal credit for the completed study belongs to Mr. Dana B. Brammer, then Assistant Professor of Governmental Research and now also the Assistant Director of the Bureau, for he spent long hours skillfully threading his way through the many problems which arose, with periodic assistance from Dr. Hobbs and the current Director of the Bureau. Assistant Professor of Governmental Research James E. Hurley was responsible for conducting the constitutional and statutory search and for writing

those portions of the study concerning his findings. Mrs. Christyne H. Beatty served as Project Secretary and, with assistance from regular Bureau staff members Mrs. Dorothy I. Wilson, Mrs. Margaret P. Tinsley and Mrs. Nancy Jane Repovich, produced the manuscript and the finished product. This staff was assisted, too, by several work-study students and two graduate assistants as well as the University's Computer Center staff under the direction of Mr. Richard Ross.

One bureau of governmental research could not have produced this study alone. Participation of the interviewers was obtained through the cooperation of the Conference of University Bureaus of Governmental Research (CUBGR) and the Southern Public Administration Research Council (SPARC). The member bureaus of these organizations provided the interviewers either from their own staffs or from departments of political science in their parent institutions. This type of cooperative activity holds much promise for future governmental research projects and The University of Mississippi is grateful to those individuals who gave up their own projects, temporarily, for the purposes of this one.

A study of this sort is more difficult to achieve than can be understood by most readers. While many of the obstacles encountered have been indicated in the body of the report, it should be noted here that no recommendations have been drawn; and this fact leaves the authors with a certain feeling of incompleteness. Accuracy is difficult, too, because the sheriffs' offices are constantly changing. Since the field work was concluded, for example, Mississippi has separated the tax-collecting functions from the office of sheriff and lodged them, with certain exceptions, in the office of the tax assessor. It has also substituted salaries for compensation by fees and now permits the sheriff to succeed himself in office. What was true in 1967, therefore, probably will not be entirely true when this report is read.

While the design of the project rejected the making of recommendations, there may be instances within the report where points of view, opinions or conclusions have either been stated or seem to be implied. It should be made clear, therefore, that these are the views, opinions and conclusions of the authors and do not necessarily represent the official views or policies of the United States Department of Justice, the National Sheriffs' Association, or The University of Mississippi.

Donald S. Vaughan
Director
Bureau of Governmental Research

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Chapter I

INTRODUCTION

The office of county sheriff exists today in each of the contiguous forty-eight states, even in Connecticut and Rhode Island where the county is no longer a governmental unit but merely a geographical subdivision retained for election and/or judicial purposes.¹ While the contemporary American sheriff is neither as important a personage as his medieval English forerunner nor as colorful a functionary as the western lawman of frontier fame, he nonetheless remains a significant officer of local government. Except in those instances where state police forces exercise comprehensive law enforcement powers, where municipal or metropolitan police departments engage in extraterritorial law enforcement activities, or where independent countywide police agencies perform law enforcement tasks, the sheriff is the most important--if not the sole--law enforcing and arresting officer in the unincorporated area of the county.²

Unfortunately the sheriff must work under severe restrictions: (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 usually are virtually nonexistent; (4) compensation sometimes takes the form of fees and commissions rather than a

¹Alaska has no sheriffs. Hawaii has only one and he is appointed by the state attorney general.

²The sheriff possesses jurisdiction within the incorporated areas of his county, but the major law enforcement role therein normally is performed by the municipal police departments.

fixed salary; and (5) the time and resources for law enforcement work ordinarily are reduced by the requirement that the sheriff assume other responsibilities. For example, he usually is charged with supervision of the county jail and its prisoners, with serving civil processes, with attending the courts and executing orders, and in some states with performing other duties such as collecting taxes, assisting at elections and so forth.

Background

Despite the universality and importance of the office of sheriff, nationwide data descriptive of its present-day status are nonexistent. Prior studies, almost without exception, have been limited to a single state; and even those usually have concerned themselves with descriptions of constitutional and statutory provisions rather than with the gathering and interpreting of statistical data about the practices and actual operations of the office. Thus it has been virtually impossible to draw interstate or regional comparisons for sheriffs' departments.

Recognizing that knowledge of sheriffs' capabilities, needs and problems throughout the nation is an essential ingredient of any overall program to upgrade the sheriffs and to strengthen their role as law enforcement officers, the executive director of the National Sheriffs' Association in January, 1966, inquired if The University of Mississippi would be interested in cooperating with the Association in developing a résumé of activities and statistical data on American sheriffs. The University, through its Bureau of Governmental Research, expressed a keen interest in such an undertaking and, upon request of the executive committee of the National Sheriffs' Association, prepared and submitted several project plans to the Office of Law Enforcement Assistance, United States Department of Justice.

In November, 1966, the Office of Law Enforcement Assistance awarded the University a grant to conduct a descriptive, factual survey of the current status of the office of sheriff in the southern region of the United States.³

Objective, Purpose and Scope

Broadly considered, the objective of this study was to fill--at least partially--the serious knowledge gap which exists with respect to the present characteristics and status of sheriffs' departments. More specifically, the objective was to provide the United States Attorney General, the Office of Law Enforcement Assistance, the National Sheriffs' Association and the individual sheriffs with a mass of heretofore unavailable data descriptive of the organization, operation and law enforcement responsibilities, needs, problems and potential of southern sheriffs.

The purpose in gathering, interpreting and disseminating statistical and other data on southern sheriffs was not so much the development of a new informational resource as it was the creation of a broad knowledge base upon which positive actions could be taken. Particular actions anticipated were these:

- (1) use of the study findings by the United States Attorney General and the Office of Law Enforcement Assistance in evaluating the relative worth of future grant proposals relating to sheriffs' departments;
- (2) use of the study findings by the National Sheriffs' Association

³Although the regional study was proposed as Part I of a two-stage national study, the grant award carried with it no commitment for further assistance or support of Part II.

in planning and establishing programs for upgrading sheriffs and improving county law enforcement; and

(3) use of the study findings by individual sheriffs in evaluating their own situation in relation to other sheriffs.

Geographically, the study was confined to sheriffs' departments in the following eleven states: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia. These states contain 972 county sheriffs' departments or 31.8 percent of the 3,060 total county sheriffs' departments in the United States.⁴

So far as time is concerned, the study was restricted to 1966-1967. Statutory references, unless otherwise noted, reflect the situation as of December 31, 1966; and survey data, for the most part, reflect conditions as they existed in the spring of 1967. No attempt was made either to gather data for any previous year (or years) or to relate study findings to an earlier period.

Methodology

To achieve the project objective of discovering and presenting facts concerning the nature and status of the office of sheriff in the South, the research staff relied upon methods quite common to descriptive investigations: (1) the mail questionnaire, (2) the personal interview and (3) the search of state constitutions and statutes. The staff of course examined the available literature relating to sheriffs and to county law

⁴These figures are for January, 1967, and exclude the sheriffs of the cities of Baltimore (Maryland), Richmond (Virginia) and St. Louis (Missouri).

enforcement.⁵

The Questionnaire

Much of the information sought in this study could be obtained from no source other than the sheriff or some knowledgeable member of his department. Since it obviously was not feasible to consult personally each of the 972 sheriffs in the South, the questionnaire was relied upon as the best method of obtaining a mass of data from widely scattered sources.

Development and Pretest. Being aware of the problems and inadequacies inherent in the questionnaire technique, the research staff devoted much time and effort to the construction of the instrument. To make certain that questionnaire items would be meaningful to the recipients, the staff consulted on the questions and design at an early stage with the executive director of the National Sheriffs' Association and with four sheriffs selected with his advice:

Melvin Bailey, Jefferson County, Birmingham, Alabama
 Ross Boyer, (4th vice president, National Sheriffs' Association),
 Sarasota County, Sarasota, Florida

⁵While a wealth of publications are available in the area of law enforcement, very little has been written exclusively on the subject of the sheriff and/or county law enforcement. Perhaps the standard work is Walter H. Anderson and others, A Treatise on the Law of Sheriffs, Coroners, and Constables, 2 vols. (Buffalo: Dennis and Co., Inc., 1941). Another valuable, but also outdated, work is Bruce Smith, Rural Crime Control (New York: Institute of Public Administration, Columbia University, 1933). Most of the remaining works are manuals. Only those for southern sheriffs, or for sheriffs as a whole, are cited here: The Florida Sheriff's Manual (Tallahassee: The Institute of Government in cooperation with the Florida Sheriff's Association and the State Auditing Department, 1947); James C. Harper, North Carolina Sheriffs' Manual (Chapel Hill: Institute of Government, University of North Carolina, 1964); Robert Baker Highsaw and Carl Denver Mullican, Jr., Mississippi: A Guidebook of the County Sheriff (University: Bureau of Public Administration, The University of Mississippi, 1948); Everett M. King, Sheriff's Manual (Washington: National Sheriffs' Association, 1960); and Virginia Sheriffs' and City Sergeants' Manual (Charlottesville: Virginia State Sheriffs' and City Sergeants' Association and Bureau of Public Administration, University of Virginia, 1961).

Courtney Langston, Lee County, Marianna, Arkansas
 Malcolm McLeod (treasurer and past president, National Sheriffs' Association), Robeson County, Lumberton, North Carolina

Also serving as consultant to the research staff was Professor Donald S. Vaughan, Assistant Director of the Bureau of Governmental Research, The University of Mississippi.

Once the questions were framed, the research staff met with the executive committee of the National Sheriffs' Association for the purpose of pretesting the questionnaire and receiving suggestions for change. In addition to the executive director and the general counsel, committee members present were:

Sheriff T. Ralph Grimes, Atlanta, Georgia, president
 Charles A. Carver, Faribault, Minnesota, 1st vice president
 Sheriff William Hemphill, Cassville, Missouri, 2nd vice president
 Sheriff William Spurrier, Marengo, Iowa, 3rd vice president
 Sheriff Ross Boyer, Sarasota, Florida, 4th vice president
 Sheriff Michael Canliss, Stockton, California, 5th vice president
 Sheriff James H. Young, Richmond, Virginia, 7th vice president
 Sheriff Kenneth Hammon, Farmington, Utah, sergeant-at-arms
 Sheriff Robert S. Moore, Arkansas City, Arkansas, secretary
 Sheriff Malcolm G. McLeod, Lumberton, North Carolina, treasurer

The questionnaire also was sent to the Office of Statistical Standards, United States Bureau of the Budget, for review.

Content. The questionnaire was comprised of 50 questions, most of which contained multiple parts. The questions centered on such topics as:

length of service as sheriff
 prior law enforcement experience
 educational attainment
 distribution of departmental work load
 number of sworn deputies, civilian personnel and jail employees
 civil service coverage
 deputy standards and appointment and dismissal practices
 deputy salaries and work load
 employee benefits
 basic and in-service training opportunities
 jail admissions and average daily population
 prisoner feeding practices
 kinds of roads patrolled
 budgeting practices
 number of felony arrests

number and kinds of vehicles, by whom furnished, and how equipped
 availability and use of various facilities and kinds of equipment
 communications systems
 relationship with municipal police departments

A copy of the four-page questionnaire is attached as Appendix A.

Sponsorship and Promotion. The National Sheriffs' Association co-sponsored the questionnaire and, as evidence of this fact, authorized The University of Mississippi to display the Association's emblem on the questionnaire. As further evidence of its cosponsorship, the Association played an active role in publicizing the project and in promoting participation among its members. While the project was still in the planning stages, the Director of the Bureau of Governmental Research, The University of Mississippi, was invited to address the Association's 26th Annual Informative Conference (Mobile, Alabama, June 19-22, 1966) for the purpose of explaining the project's plans and objectives. At periodic intervals thereafter the Association reported project activities in its bimonthly publication, The National Sheriff.

Through the efforts of the executive director of the National Sheriffs' Association, presidents of the various state associations mailed letters to each sheriff in their respective states advising him of the forthcoming questionnaire and requesting that it be completed and returned promptly to The University of Mississippi. Immediately prior to the questionnaire mailing, the executive director of the Association wrote each southern sheriff personally soliciting his cooperation.

Mailing, Follow-up and Response. The questionnaires were mailed in the middle part of May, 1967, to all 972 sheriffs in the eleven southern states. Each questionnaire was accompanied by a letter signed by the project director and personally addressed to the sheriff. This letter stated the purpose of the study, reminded the recipient of the question-

naire's approval by the National Sheriffs' Association and gave assurances that in summarizing responses no reference would be made to specific counties or sheriffs by name. Moreover, the letter advised that study findings would be made available to the National Sheriffs' Association for distribution. To promote response, an addressed, postage-paid envelope was enclosed.

Three weeks after the initial mailing, a second mailing of the questionnaire was made to those sheriffs who had not responded (approximately 80 percent of the total). Four weeks later, a personal letter was written to each sheriff who still had not returned the questionnaire. In the meantime the project director appeared on the program of the 27th Annual Informative Conference of the National Sheriffs' Association (Las Vegas, Nevada, June 18-21, 1967) for the purpose of reporting project progress and soliciting questionnaire return. Additionally, certain sheriffs in those states experiencing a low level of response wrote personal letters to their fellow sheriffs asking that the questionnaire be completed and returned. Finally, those persons who conducted the interview phase of the study assisted in questionnaire follow-up among sheriffs interviewed.

Since sheriffs as a group have shown a propensity for limited questionnaire response,⁶ a return rate of approximately 35 percent was anticipated by the research staff. Instead, 61 percent of the questionnaires were completed and returned. Questionnaire response by state and by 1960 county

⁶See, for example, Russell J. Arend, Traffic Accident Investigation Responsibilities of County Law Enforcement Agencies, condensed from a thesis for the degree of Master of Science, Michigan State University, and printed by the Automotive Safety Foundation, Washington, D.C., 1967. The questionnaire upon which the traffic accident investigation study was based received responses from 35.9 percent of the nation's sheriffs. Among southern sheriffs, however, a response of only 25.7 percent was obtained in that study.

population category is shown in Table 1.

Table 1
QUESTIONNAIRE RESPONSE, BY STATE AND BY
1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

State and County Population-Size Group	Total Number of Sheriffs' Departments	Number of Departments Responding	Responding Departments as Percent of Total
State			
Alabama	67	44	65.7
Arkansas	75	48	64.0
Florida	67	56	83.6
Georgia	159	68	42.8
Kentucky	120	78	65.0
Louisiana	65 ^a	46	70.8
Mississippi	82	39	47.6
North Carolina	100	73	73.0
South Carolina	46	30	65.2
Tennessee	95	39	41.1
Virginia	96	71	74.0
Population-Size Group			
250,000 and over	18	17	94.4
100,000 to 249,999	39	33	84.6
50,000 to 99,999	86	61	70.9
25,000 to 49,999	214	141	65.9
Less than 25,000	615	340	55.3
Region	972	592	60.9

^aLouisiana has only 64 parishes, but there are 65 sheriffs inasmuch as Orleans Parish has both a civil and a criminal sheriff.

Data Processing and Analysis. Each questionnaire was reviewed by the project staff for obvious errors, inconsistencies and misinterpretations. Responses then were assigned numerical codes and were recorded on punch-cards for electronic data processing. Wherever possible, empirical codes were used instead of analytical codes.⁷

⁷Empirical codes record the data as closely as possible to its original detail; analytical codes disregard original detail for broader categories.

For the most part statistical analysis of the questionnaire data was limited to the use of frequency distributions (expressed in percentages), ranges and averages, thus providing a profile of the data. Statistical techniques used in the study were chosen for the sake of simplicity and, to this end, the variety of sophisticated statistical techniques available for analysis were deliberately avoided.

All analyses were made for the South as a whole, for each of the eleven states included in the South, and for various county population categories. Population categories employed were these: 250,000 and over, 100,000 to 249,999, 50,000 to 99,999, 25,000 to 49,999, and less than 25,000. For analytical purposes counties also were classified according to the following percent-urban categories: 76 to 100, 51 to 75, 26 to 50, and 0 to 25. Responses by percent-urban categories, however, were not reported inasmuch as urban categories are closely related to population categories in most instances.

The Interview

Not all areas of interest could be included in the questionnaire without making the instrument so lengthy as to jeopardize seriously the desired response. Moreover, it was thought that certain information being sought could be obtained best in face-to-face contacts so that observations could be made, reactions assessed and leads followed. Thus the personal interview was employed as a second research method.

Development and Pretest. As in the case of the questionnaire, the research staff devoted much attention to the construction of the interview schedule. The executive director of the National Sheriffs' Association and those sheriffs who served as consultants on the development of the

questionnaire were consulted on matters relating to schedule planning, development and content.

Unlike the questionnaire, not all questions included in the interview schedule were designed to yield factual information. Some questions were deliberately framed to elicit opinions. While the bulk of the questions were written in such manner as to be capable of being answered by means of a check mark or a simple statement of facts, numbers, etc., some were open-ended, thereby permitting maximum latitude on the part of the respondent.

The interview schedule, like the questionnaire, was reviewed by the executive committee of the National Sheriffs' Association and additions, deletions and changes were effected. Additionally, the research director and research associate conducted a pretest interview with a Mississippi sheriff. Following the field test, the schedule also was submitted to the Office of Statistical Standards, United States Bureau of the Budget for required review.

Content. The schedule consisted of 65 questions, many of which had multiple parts. The questions were concerned with a variety of subjects including these:

- sheriff's relationship to previous sheriff
- membership in law enforcement organizations
- sources relied upon in keeping abreast of changes in the law
- recruiting methods
- age and educational requirements for deputy applicants
- status of uniforms
- standardization of pay system and policies with respect to
- vacations and sick leave
- factors used in giving deputy promotions
- road patrol shifts and practices
- traffic accident investigations
- training of jail personnel
- reduction of sentence and work-release programs
- policies with respect to criminal investigations
- availability of laboratory and other equipment

familiarity with recent United States Supreme Court decisions affecting arrests
 arrest and other records maintained
 number of court papers and processes handled
 kinds of orientation and in-service training made available to deputies
 kinds of public relations techniques used
 status of volunteer units
 cooperation and problems with other law enforcement officers
 major law enforcement problems confronting the sheriff
 adequacy of manpower and equipment

A copy of the interview schedule is attached as Appendix B.

Sponsorship and Promotion. The National Sheriffs' Association co-sponsored the interview schedule and, as in the case of the questionnaire, authorized The University of Mississippi to display the Association's emblem thereon. The Association promoted the interview phase through its official publication, The National Sheriff. In his letter soliciting questionnaire response, the executive director of the Association also requested each sheriff to grant an interview if asked by a representative of The University of Mississippi.

Selection of Sheriffs to be Interviewed. Within existing fund limitations it was considered possible to interview only 165 sheriffs throughout the eleven-state southern region. Rather than assign the number of interviews among states in proportion to the number of counties (and therefore number of sheriffs' departments), it was decided to conduct an equal number of interviews in each state. This decision was based upon several considerations, including these: (1) it was deemed desirable, in some instances, to interpret data on a state-by-state as well as a regional basis; and (2) it was considered necessary to provide a sufficient number of interviews per state to assure a compensation level adequate to attract experienced interviewers, since the compensation of interviewers was calculated on a per-interview basis.

In selecting for each state the 15 counties whose sheriffs were to be interviewed, the research staff considered population and, to a lesser degree, geographical location, area in square miles and urban character of the county. On the basis of the 1960 census of population, counties were grouped into the same categories as were employed in analyzing the questionnaire data. Since the project sought to discover existing patterns and variations rather than to develop estimated aggregates and since the reliability of a sample is dependent upon its size rather than upon the size of the universe, it was decided to select--insofar as possible--an equal number of counties within each population category within each state.⁸ Where there were less than three counties in a population category, the number selected for interview in one or more of the other categories was greater than three. In a few isolated instances, it was impossible to interview the sheriff originally selected. Where this occurred, another sheriff was chosen, usually (but not always) from the same population category. The number of counties and the number of interviews, by state and by population category, are presented in Table 2.

Selection and Instruction of Interviewers. Working within the framework of the Conference of University Bureaus of Governmental Research, the Southern Public Administration Research Council, and various departments of Political Science, the project director contracted with a permanent member of the faculty or staff of an institution of higher learning

⁸ Prior to making this decision, the research staff consulted with various members of The University of Mississippi faculty. In addition, the staff solicited the advice and assistance of Dr. Allen Manvel, Chief, Governments Division, United States Bureau of the Census.

Three counties in the 250,000 and over category were ignored in the selection process because of the type of local government existing there: Dade County (Florida), Davidson County (Tennessee) and Orleans Parish (Louisiana).

Table 2
NUMBER OF COUNTIES AND NUMBER OF INTERVIEWS, BY STATE AND BY
1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

State	Population-Size Group											
	250,000 and Over		100,000 to 249,999		50,000 to 99,999		25,000 to 49,999		0 to 24,999		All Groups Combined	
	Coun- ties	Inter- views	Coun- ties	Inter- views	Coun- ties	Inter- views	Coun- ties	Inter- views	Coun- ties	Inter- views	Coun- ties	Inter- views
Alabama	2	2	3	3	8	3	24	3	30	4	67	15
Arkansas	0	0	1	1	4	4	14	5	56	5	75	15
Florida	6	3	5	3	10	3	9	3	37	3	67	15
Georgia	2	2	5	3	2	2	21	4	129	4	159	15
Kentucky	1	1	2	2	8	4	16	4	93	4	120	15
Louisiana	1	0	6	3	7	4	18	4	32	4	64	15
Mississippi	0	0	2	2	6	4	18	4	56	5	82	15
North Carolina	1	1	7	3	22	3	30	3	40	5	100	15
South Carolina	0	0	4	3	9	5	20	3	13	4	46	15
Tennessee	3	2	2	2	6	3	21	5	63	3	95	15
Virginia	1	1	2	2	4	4	23	4	66	4	96	15
Region	17	12	39	27	86	39	214	42	615	45	971	165

in each of the states to conduct the required interviews. The following persons served as interviewers:

- Alabama: Joseph C. Pilegge, Assistant Professor
Department of Political Science
University of Alabama
- Arkansas: Donald T. Wells, Chairman
Division of Political Science, Geography and
Sociology
Arkansas State College
- Florida: John F. Newman, Research Associate and
Assistant Professor of Government
Institute of Governmental Research
The Florida State University
and
William E. Brigman, Assistant Professor
Department of Government
The Florida State University
- Georgia: George M. Murphy, Law Enforcement Specialist
Institute of Government
The University of Georgia
and
Charles F. Rinkevich, Community Crime Specialist
Institute of Government
The University of Georgia
- Kentucky: David A. Booth, Associate Professor
Department of Political Science
University of Kentucky
- Louisiana: Donald G. Rhodes, Assistant Professor of Government
Department of Social Sciences
Southeastern Louisiana College
- Mississippi: Thomas G. Laughlin, Assistant Professor
Department of Political Science
The University of Mississippi
- North Carolina: Ben F. Loeb, Jr., Assistant Director
Institute of Government
University of North Carolina at Chapel Hill
- South Carolina: James E. Larson, Head
Department of Political Science
University of South Carolina
- Tennessee: Charles A. Zuzak, Assistant Professor
Bureau of Public Administration
The University of Tennessee, Nashville Center
- Virginia: Michael S. Deeb, Executive Assistant
Institute of Government
University of Virginia

Since each interviewer possessed prior interviewing and/or related experience, no formal training session was provided. Each interviewer, however, was given a set of written instructions appropriate to his state.

Conducting the Interviews. While the specific interview period varied from state to state, all interviews were completed during the summer of 1967. The interviews took place in each sheriff's office at a time mutually agreed upon by the sheriff and the interviewer. With but few exceptions the sheriff himself was the interviewee and responded in a cooperative manner. In the few instances where the sheriff was unable to keep his appointment, the chief deputy served as interviewee. Questions which the chief deputy was unable or unwilling to answer were later submitted to the sheriff either by telephone or by letter. The time required for completion of the interview averaged about one hour.

Data Processing and Analysis. Interview schedules were reviewed by the project staff as soon as they were received in the project office. Where there were unexplained omissions or where answers appeared ambiguous or contradictory, the interviewer was contacted for explanation. Interview results, like questionnaire responses, were coded and recorded on punchcards for electronic data processing.

Essentially the same kind of statistical applications were made with respect to interview responses as were made with respect to questionnaire responses. Where appropriate, presentation of interview results was supplemented by observations and comments of the interviewers.

The Constitutional-Statutory Search

The constitutional-statutory search (hereafter referred to as legal search) was designed to discover the important legal provisions applying to southern sheriffs. This was no simple undertaking, for such provisions

are scattered throughout many volumes. Simply to locate and to read the material was difficult. To distill great masses of diverse, frequently unrelated information was an even more formidable task. In summarizing the results of the search, a sincere effort was made to avoid either excessive simplification or, at the other extreme, excessive detail. No attempt was made to peruse or to summarize local and private acts or to extend the examination of general acts to those adopted after December 31, 1966.

Procedures. Under the immediate supervision of the project's research associate, students from The University of Mississippi Law School examined the constitution and codified laws of each of the eleven southern states.⁹ In addition, they made an exploration of case law paralleling the subject-matter areas being researched.

Content. The subject-matter scope of the legal search was originally delineated by the research staff and reviewed by the executive director of the National Sheriffs' Association and the panel of four consultant sheriffs. Following this review, the content areas were presented to the executive committee of the National Sheriffs' Association for additions and deletions.

The following are typical of the areas of inquiry included in the legal search:

- election provisions
- term and tenure
- eligibility, removal and vacancies
- oath and bond
- compensation
- powers, duties and functions
- jail practices and procedures
- deputy system
- training opportunities
- relationship of the sheriff to other officers

⁹These students, never more than two at any given stage of the project, were employed on a part-time basis.

The service of process, both civil and criminal, was not included within the limits of the legal search primarily for two reasons: (1) the types of processes served, as well as the legal aspects surrounding service, are so complex and variable that a meaningful treatment would require more resources than were available to the project staff, and (2) the service of process, while important and time-consuming, is only indirectly related to law enforcement. The decision to omit the service of process was part of the original research design.

Relationship of Questionnaire, Interview and Legal Search

The three methods used in the study were complementary. No attempt was made to structure study findings into three distinct parts: questionnaire responses, interview results, and legal provisions. Instead, functional categories were used in presenting the results of the investigation.

Limitations

The study is "descriptive" rather than "prescriptive." It does not attempt to assess the quality of programs or activities, to identify "best" principles and practices, to define standards, to describe models or ideals, or to present criticisms and recommendations. While all citations of individual states are illustrative rather than evaluative, the study nonetheless sheds some light on how well-structured and equipped southern sheriffs' departments are in certain respects. References to specific counties or sheriffs' departments, by name, are deliberately omitted.

Not all sheriffs returned a questionnaire and those who did failed to answer certain questions.¹⁰ Secondly, some of those returning question-

¹⁰ In the case of a few isolated questions, the level of response was so low as to make it unwise to report results.

naires gave some incorrect or ambiguous answers. In the third place, it may be assumed that respondents occasionally gave differing interpretations to some of the questions with the result that the data are not always comparable among states or even within states. Finally, inadequate knowledge of local situations, in some instances, may have resulted in distorted interpretation of the data by the research staff. While these shortcomings are in no way peculiar to this study, they must be recognized in interpreting and using the statistical data.

Because of the manner in which the sample was drawn, sheriffs from the more populous counties were overrepresented. Due to restrictions in time, there was an overlap between the questionnaire and interview phases of the study. The result was that some of the interviews were conducted with sheriffs who had not yet returned their questionnaires.¹¹ To the extent that the interviews preceded the questionnaire return, the research staff was unable to use the interview as a means of clarifying and/or expanding questionnaire responses. To a lesser extent the same problems resulting from ambiguous or incorrect answers obtained for interview results as for questionnaire responses.

In grouping counties into population categories for analysis and presentation, the 1960 census of population was used.¹² While the study is several years removed from 1960, it was not possible to secure comparable estimates of current population for each of the counties included.

¹¹ In fact, interviews were conducted with 30 sheriffs from whom a questionnaire was never received.

¹² The reader's attention is called to the fact that in Virginia, the population of "independent cities" is not included within the county population, for such cities exist outside the area of any county. City sergeants, who perform essentially the same functions within "independent cities" as are performed by county sheriffs, were excluded from this study.

Chapter II

STUDY FINDINGS: A SUMMARIZATION

The office of sheriff is a virile part of county government in the southern region of the United States today and seems likely to remain so for years to come. While sheriffs share a long and common heritage, the office of sheriff in the South does not run to a common stereotype and to suggest otherwise would be to distort the findings of this study. In some counties the sheriff is very much a law enforcement officer. In others he functions less as an officer of the law than as a process server, tax collector or keeper of the jail. In all jurisdictions, however, his duties are demanding and his responsibilities are significant. Moreover, the southern sheriff--especially in rural areas--is likely to be politically one of the most esteemed persons in the county.

With an occasional exception southern sheriffs are male, white and members of the Democratic party. While they possess diverse occupational backgrounds, most are mature persons in their middle-to-late forties who were elected to their positions only after having acquired some measure of law enforcement experience at some time in their careers. In fact, it is not uncommon for a sheriff to have served previously as a deputy sheriff. While a few sheriffs have not gone beyond the eighth grade in their formal education, most have completed high school and about one-fifth have completed one or more years of college, usually pursuing courses in business, education or the social sciences. Membership in at least one professional law enforcement association is common among sheriffs in the South.

Although the southern sheriff legally is the chief law enforcement

officer of the entire county, he usually leaves municipal law enforcement to municipal police departments. In a few instances, moreover, he has yielded the rural law enforcement function to county police departments, to metropolitan police agencies or even to state police forces. In general, however, he remains the important peace officer in the unincorporated portion of the county; and where county population size has increased, his department has grown in both complexity and magnitude. For example, with increased population and urbanization has come more deputies; more patrol cars; more radios; increased employment standards and civil service coverage for departmental personnel; and more frequent use of crime labs, fingerprint files and so on. The overall tendency clearly has been for sheriffs to respond positively to the increased demands placed upon them by a changing and urbanizing society. There are indications, also, that sheriffs have worked cooperatively with other law enforcement agencies at all levels of government. While sheriffs occasionally have jurisdictional disputes and personality clashes with these law enforcement agencies, cooperation seems to be the rule in each of the southern states. Examples of cooperation range from sharing men and equipment to exchanging information.

The sheriff in the South is not without his problems. His term of office occasionally is for no more than two years and his tenure sometimes is limited; civil duties demand much of his available time and staff; and his activities oftentimes are restricted severely by lack of funds. His deputies and other employees often receive low salaries, and this fact makes recruitment of qualified persons difficult--especially in view of the long number of hours deputies are required to work per week. His department frequently does not possess the equipment necessary to perform

professional law enforcement. He and his deputies usually receive less law enforcement training than is desirable for this day and time in which peace officers not only are faced with spiraling crime rates but also with growing instances of civil disorder. Like many other law enforcement officers, the sheriff commonly believes that his already difficult tasks have been made even more difficult by recent United States Supreme Court decisions aimed at protecting individual rights.

As the facts which are to be presented will show, the southern sheriff today differs somewhat from the image which long has been held. While sheriffs continue to be elected, more than half of them no longer operate on fees but are paid fixed salaries for their services. It is still true that a good number of sheriffs do not possess the funds, manpower, equipment or expertise required for professional law enforcement, but many have achieved some measure of success in remedying this situation and others are making progress in that direction.

Term, Tenure and Related Matters

The office of sheriff is a constitutional office found in all counties in each of the eleven southern states surveyed: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia. With only one exception--Dade County, Florida--sheriffs are elected rather than appointed, and election is on a partisan basis.¹ Sheriffs serve a four-year term in each of the states except Arkansas and Tennessee where the term of office is only two years.

¹Of the 165 sheriffs interviewed in conjunction with this study, 79 percent classified themselves as members of the Democratic Party, and 15 percent classified themselves as Republicans. The remaining 6 percent did not state their party affiliation.

Tenure is unlimited in all southern states other than Kentucky, Mississippi and Tennessee. Sheriffs in Kentucky and Mississippi may not serve consecutive terms; and in Tennessee sheriffs may not hold office for more than six years in any eight-year period. As of June 1, 1967, the average (median) number of total years of service of sheriffs in the region was slightly in excess of four, although there were individual sheriffs who had served for much longer periods of time. One sheriff, for example, had a service record of 43 years. Of the 165 sheriffs who were interviewed, nearly two-fifths were serving their first term.

At the time of this survey no state required a candidate for sheriff to have attained any particular level of education or to have possessed prior law enforcement experience or training. To be eligible to serve as sheriff, a person was required only to be a citizen of the United States; at least 21 years of age;² a resident of the state, county and election district for a specified period of time; and a qualified elector. Eligibility, however, was denied to persons who had been convicted of a felony; to persons who were mentally or physically unable to perform the duties of the office; and to persons who were holding another county, municipal, state, federal or foreign office. In all states the sheriff was required to take an oath and to give bond prior to assuming office. Specific provisions varied among the states.

Each state has provided machinery for the appointment of a person to fill a vacancy in the office of sheriff when it occurs and has designated who shall act as sheriff until the vacancy is filled. In some states the appointment is for the remainder of the unexpired term, but in others an

²In Kentucky, a candidate for sheriff must be 24 years of age.

election must be called within a specified period of time. Each state also has provided that the sheriff may be removed from office under certain circumstances such as malfeasance or conviction of a felony. Removal is effected in a variety of ways, including impeachment, recall (petition and election) and action of the courts or the governor.

Selected Characteristics of Incumbents

Age, education and prior experience all are important considerations in evaluating a sheriff's potential for effective performance. Among sheriffs responding to the questionnaire, the age when first assuming office ranged from 22 to 67, with the average (median) age being 42. At the beginning of their present terms, the average age of these sheriffs was 48 and the range extended from 24 to 84.

The average (median) number of school years completed by responding sheriffs was 12. Approximately 12 percent of the respondents had an eighth grade education or less, 27 percent had completed some high school work, 40 percent had completed the twelfth grade, 13 percent had completed some college work, 5 percent had completed four years of college and 3 percent had completed more than four years of college. Throughout the region the level of education was higher among sheriffs serving heavily populated counties than among sheriffs serving jurisdictions with a small population. For example, all sheriffs in counties with 250,000 or more inhabitants possessed a high school diploma but only a little more than two-thirds of the sheriffs in counties with less than 25,000 persons held a diploma.

Thirty-seven percent of the responding sheriffs had held full-time law enforcement positions immediately prior to assuming the office of sheriff,³

³Among the remaining sheriffs, immediate prior occupations of significance were manager or proprietor (primarily merchant), farmer, clerical or sales worker and craftsman, foreman or operative as defined by the U.S. Department of Commerce.

and 63 percent had, at some time in their career, obtained law enforcement experience. In fact, 37 percent of the respondents possessed prior experience as a deputy sheriff and 17 percent had prior experience as a municipal police officer or chief. The average (median) number of years of prior law enforcement experience other than as sheriff was slightly more than six. A little less than 18 percent of the respondents had held an elective public office at some time prior to becoming sheriff.

Compensation

Sheriffs normally receive a statutory fee for each official act which they or their deputies perform. As directed by law, either they retain the fees for their personal compensation and departmental operating expenses or they pay the fees into the county treasury and receive fixed salaries and departmental expenses.⁴ While the practice of retaining fees has not been abandoned completely, most sheriffs in the South today are paid salaries.

In Florida, Georgia, Louisiana and Virginia, all sheriffs are compensated by means of a fixed salary; and in South Carolina all sheriffs except one receive a salary. The amount of the salary in Florida has been prescribed for each county except Dade in a general legislative act. The sheriff (director of public safety) of that county receives a salary fixed under home rule provisions. In Georgia, the salary for each county has been established through special acts. Louisiana, like Florida, has fixed the amount of salary for each county by means of a general legislative

⁴In Kentucky counties having 75,000 or more inhabitants, fees are paid to the state rather than to the county and the sheriff's salary and departmental expenses are paid out of the state treasury. In Louisiana, all fees and commissions are paid into a special sheriff's salary fund from which warrants are drawn for salaries and operating expenses.

enactment. Sheriffs' salaries in South Carolina normally are fixed by each county's legislative delegation and incorporated into the annual county appropriation act, but in some few counties the governing board is authorized to establish the salary without approval of the legislative delegation. In Virginia the amount of salary for each sheriff is determined by the State Compensation Board within statutory limits established for various county population categories, and two-thirds of the sheriffs salary is paid by the State of Virginia.

In Alabama, Arkansas, Kentucky, North Carolina and Tennessee, some sheriffs receive salaries and others are compensated either by fees or by combined salaries and fees. In both Alabama and Arkansas, approximately two-thirds of the sheriffs operate under the fee system. The remaining sheriffs are paid a salary fixed by the legislature for each particular county. Arkansas sheriffs, whether paid by salary or by fees, are limited by the state constitution to a sum of \$5,000.⁵ Under Kentucky law sheriffs in the four counties having 75,000 or more inhabitants are paid a salary of \$9,600 per year out of the state treasury. The remaining 116 sheriffs also receive \$9,600, provided the fees of the office--together with any salary which the fiscal court may authorize--equal that sum. A little more than four-fifths of North Carolina's sheriffs receive a salary determined by the county governing board, and the remainder are compensated by a salary, plus certain fees as determined by the board. In Tennessee the legislature has established minimum and maximum amounts of compensation, by county population class, for sheriffs and other county

⁵In fee counties, any amount in excess of \$5,000 after payment of deputy salaries and operating costs must be deposited in the county treasury. In salaried counties, the constitutional limitation may be exceeded by giving the sheriff an expense and/or automobile depreciation allowance in addition to the salary.

officers. The quarterly county court in some counties makes the necessary appropriation to pay the sheriff the maximum compensation fixed by law. In other counties the sheriff's compensation is paid out of the fees which he collects. If he collects an amount in excess of his salary and approved departmental expenses, the excess must be paid to the county. If he does not collect sufficient fees, he does not receive the maximum compensation permitted.

Mississippi remains the only state in the South--and in the nation--in which all sheriffs operate under the fee system.

Primary Functions

The functional responsibilities of the county sheriff are many and varied and have their origins not only in the statutes but in the common law. The sheriff is usually, but not always, responsible for (1) preserving the peace, enforcing the law and making arrests, (2) attending upon the courts and serving papers and processes in both civil and criminal matters, and (3) operating the county jail and caring for prisoners. In addition he may be responsible for collecting taxes and for performing a variety of miscellaneous functions such as attending meetings of the county governing board, serving as official custodian of the county courthouse and assisting at elections.

Although the constitution and statutes serve as the primary determinant of what a sheriff may or may not be expected to do, an analysis of those documents will not necessarily reveal what a sheriff actually does in practice. To a great extent each sheriff will respond not only to the statutes but also to the common law, to custom and to environmental conditions. While it was not possible to obtain detailed data on the specific

tasks performed by each sheriff's department, it was possible to obtain estimates from respondent sheriffs as to the percentage of time devoted to various activities. Among southern sheriffs as a group, the distribution was as follows: law enforcement (including patrol), 50 percent; court services (including processes), 17 percent; tax collection, 13 percent; jail duties, 10 percent; traffic duties (including accident investigation), 8 percent;⁶ and other duties, 2 percent. The variations among states and among particular departments, naturally, was significant in some instances. In Kentucky, for example, the law enforcement function accounted for about one-third of total departmental time, but in South Carolina it accounted for more than two-thirds.

Law Enforcement

The sheriff in the South, as elsewhere, is designated by statute as the chief law enforcement officer within his county.⁷ As such he is manifestly responsible for protecting all persons within the county, even those persons residing within incorporated municipalities which possess their own police departments. Normally, however, the sheriff leaves law enforcement within municipalities to the respective municipal police departments.

In times of emergency or threatened public disorder, the sheriff is responsible for taking measures to preserve the public peace; and should a riot develop, it is his duty to quell the disturbance and to restore order. He not only may rely upon his regularly appointed deputies to

⁶In the discussion which follows, traffic regulation and accident investigation are treated as a part of the law enforcement function rather than as an independent responsibility.

⁷In some counties the sheriff may not function as a law enforcement officer as the result of the presence of an independent countywide police force or the existence of a metropolitan police force.

assist him but may resort to the posse comitatus, that is, he may summon any number of private citizens to assist him. Only 58 percent of the sheriffs reported that their departments possessed special equipment for suppressing riots. While possession of riot weapons and supplies varied substantially among the states, a common pattern emerged: the larger the county population, the greater the percentage of sheriffs' departments possessing special riot equipment.

While it may be assumed that almost all sheriffs' departments throughout the South sometimes engage in road patrol or routine coverage of beats or areas, nearly 41 percent of the responding departments indicated that they did not maintain regular, daily road patrols. Instead, their patrol activities were limited primarily to answering calls and to disposing of complaints. Among departments having regular, daily road patrols, patrol patterns varied substantially. The number of departments providing 24-hour patrol coverage was insignificant except in heavily populated counties. One-man patrols were the usual daytime practice, while two-man patrols were the more common nighttime practice among sheriffs' departments which maintained regular patrols. The average (median) number of automobiles available to sheriffs' departments for patrol and all other uses was 4, with the range extending from an average of 40 in counties of 250,000 or more inhabitants to an average of 3 in counties of less than 25,000. The average (median) number of total sheriffs' automobiles per hundred square miles ranged from 5.6 in the largest population category to 0.7 in the smallest category.

Ninety-six percent of the sheriffs' departments responding to the questionnaire reported the possession of some type of two-way radio communication system. Moreover, 90 percent of the total number of automobiles

were radio-equipped. Radio linkage between individual sheriffs' departments and one or more other law enforcement agencies was common to all but 8 percent of the departments possessing two-way radios.

Sheriffs are expected not only to preserve the peace and to make road patrols but also to investigate crimes and criminal activities. Nearly 96 percent of the sheriffs responding to the questionnaire indicated that they did, in fact, make criminal investigations in the unincorporated areas of their counties.⁸ Organized detective divisions (or the assignment of one or more men regularly to perform detective duties) were reported, however, by only one-third of the interviewed sheriffs who stated that their departments engaged in criminal investigation activity.

Since the investigatory effectiveness of a sheriff's department is dependent upon more than its manpower, sheriffs were queried concerning the resources of modern criminal investigation which they possessed. Sixty percent of the sheriffs responding to the questionnaire reported having a fingerprint file; 27 percent reported photographic equipment; but only 7 percent reported a crime laboratory. Only a few sheriffs reported possession of either a polygraph or equipment for making ballistic, microscopic or chemical examinations. All sheriffs who possessed no laboratory equipment themselves, however, reported that the facilities and services of a crime laboratory were available to them through either a state agency or the Federal Bureau of Investigation. The frequency with which these services and facilities were used was not reported.

Sheriffs recognized that intercounty and interregional communication

⁸ For the most part, sheriffs who did not make criminal investigations were located in counties having countywide police departments independent of the sheriff.

is essential to controlling crime and apprehending violators. Not only did 92 percent of the sheriffs' departments have some form of radio linkage with other law enforcement agencies but 14 percent of the responding sheriffs also possessed a teletype transmitter and/or receiver. Among interviewed sheriffs, 15 percent indicated that their departments participated in the Law Enforcement Teletypewriter Service (LETS) designed to link police agencies in the United States. Five percent reported that they had access to a computer which was part of a statewide, regional or national system.

In addition to preservation of the peace, patrol and criminal investigation, sheriffs' departments often concern themselves with traffic regulation and accident investigation. Nearly 55 percent of the departments sometimes investigated motor vehicle accidents. Such investigations were of greatest significance on county roads but they occurred also on state highways and municipal streets.

Law enforcement records maintained by sheriffs were minimal in many instances. For example, 30 percent of the respondents did not keep a record of "known" crimes committed in their respective counties. With respect to arrests, many sheriffs kept records by type of offense but did not follow through on their records to show the disposition of the case. Less than 5 percent of the interviewed sheriffs reported records on wanted or missing persons or on previous offenders. Eighty percent of the interviewees favored a standardized records system for law enforcement officers throughout their respective states, but there was almost total agreement that diversity of operation and cost of installation and maintenance made a standardized system impractical.

Judicial Administration

The southern sheriff plays a significant part in the administration of justice, for it is he who acts as the executive officer of the state's courts and as the server of processes in both civil and criminal proceedings. Generally speaking he serves all "courts of record" within his county.

As executive officer of the courts, the sheriff--either personally or by deputy--must attend each session, preserve order and execute all judgments, processes and decrees which are directed to him. He normally is responsible for furnishing bailiffs, summoning witnesses, and summoning and caring for jurors. Interviewed sheriffs reported that they cooperated fully with the courts, and only 15 percent of the interviewees reported problems in their relationships with either courts or prosecuting attorneys. These problems usually reflected conflicting views as to what constitutes justice.

While the service and return of civil and criminal processes is an important and time-consuming function in all sheriffs' departments, less than one-half of the interviewed sheriffs were able to estimate the number of papers served, by type of proceeding. The data revealed, however, that the volume of process increases as county population increases and that civil process is a much heavier burden than is criminal process.

Jail Administration

Maintenance and repair of the county jail is the responsibility of the county governing body, but the care and custody of prisoners is the responsibility of the sheriff in each of the eleven southern states except Kentucky. In Kentucky there is an elected jailer in each county except Jefferson. In that county the sheriff is jailer.

County jails often are old and obsolete. Among those sheriffs returning the questionnaire, a little more than one-fourth (27 percent) reported that their respective county jails were constructed prior to 1925. The capacity of the jail varied from only 1 person (an overnight lockup) to 850 persons. Although there were instances in which jails were badly overcrowded, the average daily population, in most cases, was well below the capacity of the jail. Drunkenness contributed significantly to the jail population. Interestingly, either the sheriff or a deputy (jailer) maintained a residence in the jail in 53 percent of the counties whose sheriff responded to the questionnaire. This practice was much more common in rural than in urban counties.

In large counties jails frequently were staffed with a variety of full-time custodial personnel. In counties with populations of 50,000 or less, however, it was not uncommon to find jails operated by a sheriff (or jailer), his wife and an occasional deputy-guard. The average (median) number of full-time jail employees ranged from 38 in counties with 250,000 or more inhabitants to only 2 in counties with less than 25,000 persons. Nearly two-thirds of the interviewed sheriffs reported that none of their jail employees had received any special custodial training.

While sheriffs are required to maintain clean and sanitary jail facilities, only a few of the southern states (Alabama, Florida, North Carolina and Virginia) have authorized a state agency to set standards for jail operation and to make inspections to see that these standards are maintained. More frequently jail inspection is left to the grand jury, county governing body or some other local board or officer. All states make some provision for medical care of prisoners.

Sheriffs traditionally have received an allowance from the state

and/or county to cover the cost of feeding prisoners. Although the practice of allowing the sheriff (or jailer) a specific sum of money per day or per meal has long been recognized as being subject to abuse, this practice is still quite common in all southern states except Florida and Virginia.

Road crews, work farms and rehabilitation units under the supervision of the sheriff apparently are not common in the South at the present time. Work-release programs permitting prisoners to work at their regular places of occupation during the day but to remain confined to the jail by night or on weekends also are not common. Time off for good behavior, however, is a common practice, and it is the sheriff's responsibility to compute the "good time" earned by each prisoner in accordance with statutory allowances.

Tax Collection

Five of the eleven southern states--Arkansas, Kentucky, Louisiana, Mississippi and North Carolina--authorize part or all of their sheriffs to collect state and local property taxes.⁹ If the sheriff-tax collector is compensated by fees, he retains a percentage of the collections. If, however, he is compensated by means of a fixed salary, the commission for collecting taxes is placed in the county general fund or in an earmarked special fund. Where tax collecting is a responsibility of the sheriff, much of the time and energy of the department is devoted to it.

⁹In Kentucky, Louisiana and Mississippi the sheriff serves as tax collector in each of the counties. In Arkansas the sheriff serves as tax collector in 59 of the state's 75 counties. In North Carolina the sheriff serves as tax collector in only 9 of the 100 counties.

Personnel

Personnel found in sheriffs' departments are classified as either deputies or civilian employees. Deputies are persons who are required to take an oath of office and who are authorized to make arrests. All other persons are civilians. In some sheriffs' departments, clerical employees are deputized even though they are not expected to engage in law enforcement duties.

With few exceptions, a deputy sheriff is empowered to perform the same duties as the sheriff. The deputy is an agent of the sheriff, and the sheriff is generally responsible for the deputy's official conduct. While no absolute formula has been developed for determining legal responsibility, courts generally agree that a sheriff and his sureties are civilly liable for any wrongful act within the limits of the deputy's official duties. Courts usually hold, moreover, that a sheriff and his sureties are civilly liable for a deputy's actions undertaken by "color of office."

The power to appoint deputies normally lies with the sheriff and usually must be exercised in writing and filed with the county governing authority or other body designated by statute. Where deputies are covered under a civil service system, the sheriff's appointing power is restricted. Overall, deputies were covered by civil service in only 6 percent of the departments; but in counties with 250,000 or more inhabitants, nearly 50 percent of the responding departments had civil service coverage. Generally speaking, each deputy's term of office ends at the same time that the sheriff's term ends.

Deputies ordinarily serve at the pleasure of the sheriff, although they sometimes may be removed by the courts or other authority. Requiring

deputies to serve a probationary period is a practice of significance only in heavily populated counties.

Statutory qualifications for deputy sheriffs throughout the southern states are minimal, normally being limited to meeting the general requirements of age, citizenship and residence prescribed for voting. There are some instances, however, in which residence in the county is not required. While no southern state had enacted legislation providing any sort of state-wide standards with respect to education, training and similar matters as of December 31, 1966, individual sheriff's departments sometimes required that deputies meet certain requirements. For example, 42 percent of the sheriffs responding to the questionnaire required deputies to pass oral examinations; 41 percent required them to meet physical standards; and nearly 17 percent required that they successfully complete written examinations. Fourteen percent of the respondents required deputies to be older than the statutory age of 21, and a little more than one-third refused to hire deputies who had passed a specified age. Finally, a little more than 50 percent of the sheriffs required deputies to possess a high school diploma or its equivalent. While wide variations existed among the states with respect to standards, the imposition of standards generally increased with county population size in all states. In recruiting deputy applicants, 85 percent of the respondents relied heavily upon personal knowledge and acquaintance.

In all of the southern states deputies are required to take an oath prior to entering upon the performance of their official duties. With only a few exceptions, the state statutes require a deputy sheriff to post bond. Even where a bond is not required by statute, the sheriff usually demands that one be posted. Bonding requirements vary from state to state and, sometimes, among counties within a state.

The number of deputies a sheriff may appoint is determined in a variety of ways among the eleven southern states. Where the sheriff is permitted to operate his office solely out of retained fees, he is free to employ as many deputies as he considers necessary. Where the office is operated partially from retained fees, the number of deputies which the sheriff may appoint is subject to approval as designated by statute. Where the sheriff and his deputies are compensated solely by salary, the number of deputies generally is fixed by statute or by the county governing board or other body. In Virginia the number of deputies is fixed by the State Compensation Board upon recommendation of the county board of supervisors.

The average (median) number of full-time deputies per department varied from 17 in Louisiana to only 2 in both Georgia and Kentucky. Among county population-size groups, the average (median) number per department ranged from 140 in counties with 250,000 or more inhabitants to only 2 in counties with less than 25,000 persons. Except for Florida and Louisiana, the average (median) number of full-time deputies per 1,000 inhabitants did not vary to any great extent among the states. Variations among population groups also were relatively insignificant. When the geographical size of the county was held constant, however, the number of deputies seemed to vary directly with the population of the county. The average (median) number of full-time deputies per 100 square miles, for instance, decreased markedly as county population decreased. Part-time deputies were used by less than 50 percent of the responding sheriffs, and the average (median) number of part-time deputies, per department, usually was insignificant.

Legal provisions relating to the compensation of deputy sheriffs vary from state to state and, frequently, among counties within a particular state. In general, however, the amount of compensation allowed deputies

is set by the county governing body upon the recommendation of the sheriff. Frequently the legislature places limitations on the maximum amount of salary which may be paid. Among the southern states the average (median) monthly entrance salary reported for beginning deputies was \$360; the average (median) monthly salary for all deputies below the rank of chief deputy was \$400; and the average (median) monthly salary for chief deputies was \$450. Variations were widespread among the states; but, in each state, salaries increased with county population size. It is significant, perhaps, that only 37 percent of the interviewed sheriffs reported the existence of any sort of standardized pay scale governing deputy salaries.

Both the number of hours per day and the number of days per week regularly worked by full-time deputies generally increased as county population decreased. Overall, approximately one-half of the departments reported a 9-12 hour workday and nearly three-fourths reported a 6-day workweek. A standard deputy vacation policy was reported by 80 percent of the sheriffs who were interviewed but a regular policy for sick leave was reported by only 27 percent. Among sheriffs responding to the questionnaire, 90 percent covered their deputies under social security and 72 percent provided coverage under an additional public retirement plan. Less than 60 percent reported accidental death and disabling injury programs.

The wearing of uniforms is a practice which varied significantly from state to state. In two states (Florida and Louisiana) all of the responding sheriffs reported that uniforms normally were worn by all (or part) of their full-time deputies. In each of the remaining states except Mississippi, at least 80 percent of the sheriffs reported that all (or part) of the full-time deputies normally wore uniforms. Where uniforms were worn, they usually were purchased by the county.

Civilian employees generally are not present in significant numbers except in large sheriffs' departments. In fact, approximately 60 percent of the sheriffs responding to the questionnaire reported that they had no civilian employees, and an additional 16 percent reported that they had only one such employee. Only 3 percent of the respondents reported ten or more full-time civilian employees. Part-time civilians were reported with even less frequency than their full-time counterparts.

Nearly 57 percent of the 165 sheriffs interviewed reported the existence of one or more volunteer groups. Overall, 28 percent of the sheriffs reported a general purpose unit designated as auxiliary, posse, or reserve; 15 percent reported a rescue squad; 7 percent reported a juvenile unit; 7 percent reported a mounted posse; and 25 percent reported some other unit such as a flotilla or radio patrol. Of the 117 volunteer units reported by the 94 interviewed sheriffs having such units, a little more than 68 percent were uniformed.

Budgeting

The survey made no attempt to discover either the legal provisions relating to budgeting or the mechanics of the budgetary process. Sheriffs simply were asked if they were required to prepare a budget request. Answers were about evenly divided among the 568 responding sheriffs. Variations, however, were significant among states and among population classes. Where budgeting was practiced, the budget request usually was subject to review and approval by the county governing body. In view of the fact that 91 percent of the interviewed sheriffs reported that more than one-half of the members of the county governing board belonged to the sheriff's political party, any budgetary difficulties which may have existed normally

could not be attributed to party differences. In some states, however, it is possible that the sheriff and members of the governing body may have belonged to different factions within the same political party.

Training and Professional Improvement

Law enforcement officers, including sheriffs and their deputies, need both basic and in-service training if they are to meet the demands which are placed upon them. This need has been recognized by the national government as evidenced by the training programs made available through the Federal Bureau of Investigation and the Federal Bureau of Narcotics, as well as by the grants awarded by the Office of Law Enforcement Assistance.

States also have recognized the need for training and have taken measures to help meet it. Among the eleven southern states, Florida is the only one which has enacted legislation providing for a police standards council empowered to prescribe a minimum training program for law enforcement officers.¹⁰ Arkansas, Georgia, Mississippi and Tennessee have established state academies for the purpose of providing voluntary training to both state and local law enforcement officers. In Louisiana and South Carolina the state provides for voluntary law enforcement training through the extension divisions of Louisiana State University and the University of South Carolina, respectively. North Carolina provides training for its officers through the Institute of Government at The University of North Carolina at Chapel Hill and through special programs conducted

¹⁰ The Florida legislation was enacted in 1967. At the time this survey was conducted the Florida Sheriffs' Bureau, in cooperation with the Florida Sheriffs' Association, provided training through the Florida Law Enforcement Academy.

by community colleges throughout the state. In Virginia the state appropriates money to the Virginia Sheriffs' and City Sergeants' Association for the purpose of conducting an annual school using the facilities of the state police. A limited number of Alabama sheriffs and deputies may participate in the program of the Alabama Police Academy, and in Kentucky the sheriffs' association sponsors schools at the State Police Academy. In all states the sheriffs' association or peace officers' association sponsors various conferences and training opportunities for sheriffs and their deputies.

About 20 percent of the sheriffs reported that their departments conducted basic training courses for deputies and only slightly more (22 percent) reported in-service departmental training programs. Among those sheriffs who conducted no departmental programs, 44 percent reported that basic training programs were provided by one or more outside sources. Similarly, 46 percent of those having no departmental program reported in-service training programs by outside sources. The two most important outside sources were state agencies and educational institutions.

Although a low percentage of sheriffs responding to the questionnaire reported that their departments conducted basic and in-service training programs for deputies, 74 percent of those interviewed reported that some form of general "orientation training" was made available to deputies either by the department or some other agency. In some instances orientation training meant only that deputies were assigned to an experienced officer for a specified period of time. Sheriffs were about evenly divided in their opinions as to whether or not an adequate amount of training was made available to them and their deputies: 52 percent felt that the amount was adequate, and 48 percent felt it was not.

Most sheriffs apparently recognized the importance of keeping themselves informed of new laws which they are expected to enforce, of changes in existing laws, and of judicial decisions regulating police behavior. Among the 165 interviewed sheriffs, 72 percent made an effort to read new laws and court decisions affecting their operations, and more than 50 percent sought legal advice from each of the following sources: the county attorney, the district attorney, the state attorney general and members of the state legislature. Forty-seven percent of the interviewees reported that they also received information from their state sheriffs' association.

Southern sheriffs--like most Americans--are joiners, for only 3 percent of those who were interviewed did not belong to at least one association concerned with law enforcement. Eighty-nine percent of the interviewed sheriffs were members of their state sheriffs' association; 59 percent were members of their state law enforcement or peace officers' association; 81 percent were members of the National Sheriffs' Association; 9 percent were members of the International Association of Chiefs of Police; 7 percent were members of the National Jail Association; and 18 percent were members of some other professional law enforcement association. Attendance at association meetings and conferences generally was more frequent among sheriffs from heavily populated counties than it was among sheriffs from counties with small populations.

Relationships Among Law Enforcement Agencies

All of the interviewed sheriffs reported that they cooperated with their fellow sheriffs, but nearly one-fourth did not cite specific examples of the ways in which they had cooperated. Among the 77 percent who gave one or more examples of cooperation, the most frequent example

offered was one required by law, namely, the service and return of process. Only 17 percent of the interviewees reported the existence of any problems with other sheriffs, and nearly two-thirds of the problems related to service and return of process. If the responses of the interviewed sheriffs are accepted as being indicative of the situation which actually exists, it must be concluded that the spirit of cooperation is high and problems are minimal among sheriffs.

Nearly one-third of the sheriffs included in the interview sample reported that there were, at present, no constables within their county.¹¹ Where constables were present, however, sheriffs frequently reported that they had little or no contact with these officers; but, in a few instances, sheriffs reported jurisdictional disputes.

While the sheriff is the chief law enforcement officer within his county and is responsible for the maintenance of law and order throughout its entire area, he usually has a definite understanding with municipal police departments concerning law enforcement responsibilities within municipalities. Fifty percent of the interviewed sheriffs reported that they assisted municipal police only when called by the police or when they witnessed a violation of the law within a municipality. Forty percent reported a policy of joint sheriff-municipal police enforcement; 2 percent reported an unspecified arrangement; and only 8 percent reported no established policy. All interviewed sheriffs in counties having incorporated municipalities reported that they cooperated with municipal police, but only 62 percent could give specific examples of their coop-

¹¹The fee office of constable is provided for in each of the eleven states except Virginia. The constable is elected by district rather than countywide and generally possesses the same powers within his district that the sheriff possesses in a larger jurisdiction.

eration. The most frequently cited example of cooperation given was that of assisting in criminal investigations. In view of the potential for friction, it is surprising that only a little more than 10 percent of the interviewees reported problems with municipal police departments.

In Georgia, Kentucky, North Carolina, South Carolina and Virginia, the traditional system of rural law enforcement has been modified, in some instances, by the establishment of countywide police agencies independent of the sheriff. Where such agencies exist, the sheriff usually ceases to perform a major law enforcement role. All 14 interviewed sheriffs in counties having an independent county police department indicated that they cooperated with the county police. Only 3 of the 14 stated that they had any sort of major problem with the county agency.

Each of the eleven southern states has established a highway patrol or state police force, and 98 percent of the interviewed sheriffs indicated that they worked cooperatively with the state forces within their counties. The remaining 2 percent indicated that they had little or no contact with state forces. One-third of those reporting cooperation, however, did not cite specific examples. Among those giving examples, assisting state forces in traffic accident investigations was cited most frequently. Next in order of frequency was mutual assistance in criminal investigations and sharing of equipment and facilities, particularly radio facilities. Although harmonious relationships among law enforcement agencies at different levels of government are more difficult to maintain than among associated law enforcement agencies at the same level, only 7 of the 165 interviewed sheriffs noted any real problems with respect to the highway patrol or state police.

Cooperation with the Federal Bureau of Investigation was reported by all interviewed sheriffs except one. Such cooperation centered around

exchange of information, apprehension of criminals, recovery of stolen property, and use of the FBI laboratory and training facilities. Problems with FBI agents were noted infrequently and usually related to inadequate communications and personality conflicts.

Chief Problems and Needed Changes

Interviewed sheriffs were asked to define the single most important law enforcement problem confronting their departments and also to state the change in law and/or procedure which would most improve their law enforcement effectiveness. Lack of manpower and finance was cited as the number one problem by 27 percent of the respondents; a specific crime or misdemeanor was cited by 24 percent; the judiciary (their decisions, attitudes or lack of speed) was cited by 17 percent; and juvenile delinquency was cited by 13 percent. Five percent of the respondents either refused to comment or were unable to define a single most important problem. The remaining 14 percent listed domestic disputes, public apathy and disrespect for law, race relations, or some problem not related to any of these.

Reversal of certain recent United States Supreme Court decisions was considered by 39 percent of the interviewed sheriffs to be the change which would most improve the law enforcement effectiveness of their departments.¹² Thirteen percent offered no comment or were unable to identify needed changes in law or procedure. The remainder listed one of the following changes: easier access to search and seizure, alteration of the structure of the office of sheriff (e.g., elimination of the tax-

¹²The cases cited most frequently were Miranda v. Arizona, 384 U.S. 436 (1966) and Escobedo v. Illinois, 378 U.S. 478 (1964). Each of these cases imposed limitations on the admissibility of confessions obtained from suspects.

collecting function), increased training, adoption of stricter court attitudes toward law violators, increased men and equipment, improved records and communications, or some change not related to any of the above. None of these, however, was cited by more than 10 percent of the respondents.

* * *

Crime and lawlessness are among the most important problems facing the nation today. While these problems are more acute in urban areas, they exist also in rural areas. Since, with few exceptions, the sheriff legally is the chief law enforcement officer throughout the county, it is incumbent upon sheriffs and citizens alike to seek knowledge about the office of sheriff--its functions, its practices, its needs and its problems. This study presents information which will contribute to that knowledge.

Chapter III

THE STRUCTURAL ELEMENTS OF THE OFFICE

This chapter is devoted to an examination of the statutory provisions dealing with sheriffs' eligibility, nomination and election, removal from office, term and tenure, oath and bond, vacancies, and compensation. Material also is included concerning survey data which deal with age, prior experience, education, and so forth.

Eligibility

Aspirants to the office of sheriff must be at least 21 years of age,¹ citizens of the United States and registered voters within their respective states. In eight of the eleven states included in this study, no residence is required for persons seeking the sheriff's post other than that required for voting (see Table 3). In Georgia, Kentucky, and North Carolina, however, periods of residency for candidates have been increased beyond those required for voter eligibility. Candidates in Georgia must have established legal residence in both the state and the county they wish to serve for periods of at least two years.² Kentucky law requires a minimum of two years state residence and one year in the county.³ One year of county residence has been added as a qualification in North Carolina.⁴

¹Except in Kentucky, where the minimum age is 24 (Kentucky, Constitution, sec. 100). There are no maximum age laws in the eleven states.

²Georgia, Constitution, Art. II, sec. II, par. 2.

³Ky., Const., sec. 100.

⁴North Carolina, Constitution, Art. VI, sec. II.

Table 3
RESIDENCE PROVISIONS GOVERNING VOTER ELIGIBILITY,
BY STATE, ELEVEN SOUTHERN STATES, 1966

State	Length of Residence		
	State	County	District
Alabama	1 year	6 months	3 months
Arkansas	1 year	6 months	1 month
Florida	1 year	6 months	No provision
Georgia	1 year	6 months	No provision
Kentucky	1 year	6 months	60 days
Louisiana	1 year	1 year	3 months ^a
Mississippi	2 years	No provision	1 year
North Carolina	1 year	No provision	30 days
South Carolina	1 year	6 months	3 months
Tennessee	1 year	3 months	No provision
Virginia	1 year	6 months	30 days

^aFour months for citizens living in a municipality.

Source: Adapted from The Book of the States, 1966-67 (Chicago: The Council of State Governments, 1966), p. 22.

Eligibility to the office of sheriff is not restricted by any of the southern states to property owners or to persons who have achieved any particular level of education and/or prior law enforcement experience or training. The office, however, normally is denied to persons who hold another county, municipal, state, federal or foreign office. Moreover, statutes in every southern state make it clear that persons holding the position of sheriff must be willing to devote their full time and energy to it.

Each state has taken extreme precautions to prevent felons from holding office. Nine states have passed laws specifically banning felons and have supplemented the laws with lists of specific crimes. In Louisiana and South Carolina, where felons are not specifically precluded, the statutes contain an exhaustive list of crimes that cause disqualification.

In all states, persons with mental defects or deficiencies and individuals suffering from serious physical defects are disqualified.

It is obvious from the foregoing that state laws in the South are very liberal in regard to formal qualifications for the office of sheriff. However, an examination of questionnaire and interview data indicates that certain informal standards of eligibility have been developed in many southern counties.

Age and Education

Age and education are usually considered by the electorate when it goes through the process of determining for whom it will vote. Survey data relating to these factors are presented below.

Age

Table 4 contains comparative data concerning the age of sheriffs when first assuming office. The average (median) age does not differ signifi-

Table 4
AGE OF SHERIFFS WHEN FIRST ASSUMING OFFICE,
BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Reporting	High	Low	Average ^a
250,000 and over	17	67	32	46
100,000 to 249,999	32	60	22	46
50,000 to 99,999	59	64	32	43
25,000 to 49,999	137	64	29	43
Less than 25,000	332	62	24	42
All Groups Combined	577	67	22	42

Note: Age was reported as of nearest birthday.

^aMedian.

Source: Questionnaire.

cantly among the various population categories.⁵ Apparently, there is a strong tendency for sheriffs to be elected first when they are in their early to mid-forties, a factor which holds constant throughout the eleven-state sample. Additional data not shown in the table reveal that the similarity among population groups and among states continues with respect to the average (median) age of sheriffs when beginning their present terms of office. Of course, the average is higher, 48 as compared to 42 when first elected.

Education

Although great similarity exists among population categories in the eleven states in regard to the age of sheriffs when first elected, sharp differences can be discerned between these categories when educational attainment is examined. Table 5 shows that every sheriff representing a county with 250,000 or more inhabitants has completed high school, and nearly 59 percent of these sheriffs have completed one or more years of college training. In the 100,000 to 249,999 population category, nearly 85 percent of the sheriffs have completed high school and a little less than 35 percent have attended college. Sheriffs representing counties with fewer than 100,000 inhabitants have considerably less formal education than sheriffs in counties having populations of 100,000 or more. Counties below 50,000 have a markedly lower percentage of sheriffs who have completed college than those of 50,000 and above. Although not shown in the table, the relationship of more formal education for sheriffs in the heavily populated areas remains constant throughout the eleven-state

⁵Data not included in the table indicate that the average age also differs very little among the states.

Table 5
EDUCATIONAL ATTAINMENT OF SHERIFFS, BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Sheriffs Reporting		Highest Level of Education Attained (Percent of Number Reporting)						
	Number	Percent	Less Than 8th Grade	8th Grade	Some High School	12th Grade	Some College	4 Years of College	More Than 4 Years of College
250,000 and over	17	100.0	0.0	0.0	0.0	41.2	29.4	17.6	11.8
100,000 to 249,999	32	100.0	0.0	0.0	15.6	50.0	9.4	15.6	9.4
50,000 to 99,999	58	100.0	10.3	5.2	27.6	27.6	12.1	13.8	3.4
25,000 to 49,999	133	100.0	2.3	5.3	27.8	47.3	12.0	1.5	3.8
Less than 25,000	327	100.0	4.6	10.7	30.0	37.3	12.2	4.0	1.2
All Groups Combined	567	100.0	4.2	8.0	27.5	39.5	12.5	5.5	2.8

Source: Questionnaire.

region.

As shown in Table 6, there is a direct correlation between the population of the county and the number of sheriffs having a high school diploma. The larger the county, the more likely that its sheriff will have at least a high school diploma. Over two-thirds of all sheriffs, however, have diplomas. The average (median) number of school years completed by all sheriffs is 12.

Table 6
PROPORTION OF SHERIFFS POSSESSING HIGH SCHOOL DIPLOMA,
BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Reporting	Percent Having Diploma
250,000 and over	17	100.0
100,000 to 249,999	29	86.2
50,000 to 99,999	49	75.5
25,000 to 49,999	117	74.4
Less than 25,000	283	67.1
All Groups Combined	495	71.9

Source: Questionnaire.

A little more than one-fifth of the sheriffs reported that they attended or graduated from an institution of higher learning. The major fields of study pursued by these sheriffs are shown in Table 7. Sheriffs in counties with populations of 100,000 or over tended to emphasize the social sciences. Business and education majors predominated in counties of less than 100,000, however, suggesting that sheriffs in the smaller counties achieved their position for reasons other than predetermined educational goals. Overall, business majors ranked first and education majors ranked second because of the large number of counties with fewer than

Table 7
MAJOR FIELDS OF STUDY OF SHERIFFS WHO ATTENDED COLLEGE,
BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Sheriffs Reporting		Major Field (Percent of Number Reporting)								Not Stated
			Number	Percent	Busi- ness	Educa- tion	Social Sciences	Agricul- ture	Natural or Physical Sciences	Law	
250,000 and over	10	100.0	30.0	0.0	40.0	0.0	0.0	10.0	0.0	0.0	10.0
100,000 to 249,999	11	100.0	9.1	9.1	36.3	9.1	9.1	0.0	0.0	0.0	27.3
50,000 to 99,999	17	100.0	23.5	11.8	11.8	11.8	0.0	5.8	0.0	11.8	23.5
25,000 to 49,999	23	100.0	8.7	17.4	8.7	4.3	4.3	13.0	8.7	8.7	26.2
Less than 25,000	57	100.0	26.3	17.5	7.0	5.3	7.0	0.0	3.5	1.7	31.7
All Groups Combined	118	100.0	21.2	14.4	13.6	5.9	5.9	4.2	3.4	4.2	27.2

Source: Questionnaire.

50,000 inhabitants.

Nearly three-fifths (58.5 percent) of the sheriffs who attended college did not obtain a degree; 32.2 percent earned a bachelor's degree; 1.7 earned a master's degree; one sheriff possessed a doctor's degree in veterinary medicines; and three sheriffs held law degrees. Strangely enough, most of the advanced degree holders were found in counties with less than 100,000 people.

Prior Experience

Extensive behavioral data has been developed concerning the background of public officers such as congressmen, governors and presidents. However, few studies have been devoted to the background of officers who serve on the county level. The following attempts to fill, at least partially, this void for southern sheriffs.

Immediate Prior Occupation

It is readily observable from Table 8 that more than one-third (37.1 percent) of the responding sheriffs were engaged in full-time law enforcement work before they became sheriff. More heavily populated counties placed more emphasis on prior law enforcement experience than the most rural counties. Over 50 percent of the sheriffs in counties having more than 100,000 inhabitants moved into their position as chief law enforcement officer of the county from another law enforcement position, while only 31.5 percent did so in counties having less than 25,000 people. Managers or proprietors and farmers were the next two most important sources from which sheriffs were derived. In counties with 250,000 persons and over, professional or technical workers were an important source of supply.

Table 8
IMMEDIATE PRIOR OCCUPATION OF SHERIFFS,
BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Sheriffs Reporting		Type of Occupation (Percent of Number Reporting)										
	Number	Percent	Law Enforcement Worker	Manager or Proprietor ^a	Farmer ^b	Clerical or Sales Worker	Craftsman, Foreman or Operative	Professional or Technical Worker	Government Officeholder	Laborer	Service Worker	Undefined Self-employed Worker	Other
250,000 and over	16	100.0	50.0	12.5	0.0	6.2	0.0	12.5	0.0	0.0	0.0	6.3	12.5
100,000 to 249,999	31	100.0	54.9	12.9	3.2	12.9	6.5	3.2	3.2	0.0	0.0	3.2	0.0
50,000 to 99,999	60	100.0	43.3	18.3	10.0	10.0	5.0	1.7	1.7	3.3	0.0	0.0	6.7
25,000 to 49,999	139	100.0	42.4	13.6	10.8	7.9	5.8	5.8	2.9	2.9	1.4	2.2	4.3
Less than 25,000	333	100.0	31.6	15.9	18.9	7.5	9.3	1.8	3.6	3.6	1.5	0.6	5.7
All Groups Combined	579	100.0	37.1	15.4	14.7	8.1	7.6	3.1	3.1	3.1	1.2	1.2	5.4

^aIncludes merchant.
^bIncludes cattleman.
Source: Questionnaire.

Law Enforcement Experience

Although only 37 percent of the responding sheriffs held "full-time" law enforcement positions immediately prior to assuming office, almost two-thirds of the respondents had served as law enforcement officers at some time in their careers (see Table 9). Experience as deputy sheriff was reported by 36.9 percent of the sheriffs and municipal law enforcement experience (either as a policeman or as police chief) was reported by 16.7 percent. Experience in state law enforcement was reported by 11.4 percent of the sheriffs. Experience with the Federal Bureau of Investigation was reported only by sheriffs in counties with more than 250,000 inhabitants. Among all sheriffs as a group, the average (median) number of years of law enforcement experience prior to first assuming the role of sheriff was a little more than six.

Thirty-one percent of the interviewed sheriffs served as deputies in the administration of their immediate predecessors. In Kentucky, one of the three states with limited tenure, 60 percent of the sheriffs interviewed had served as deputies for the sheriffs which had immediately preceded them in office. However, in Mississippi and Tennessee, the other states with limited tenure, these figures were only 15 percent and 7 percent, respectively.

Prior Elective Experience

Less than 18 percent of the questionnaire respondents had held an elective public office at some time prior to becoming sheriff. Prior elective experience included service as constable, coroner, justice of the peace, mayor, member of county governing body, member of local school board and state legislator. No clear pattern of prior elective experience is observable from the data except that almost no sheriffs in counties

Table 9
NATURE OF SHERIFFS' LAW ENFORCEMENT EXPERIENCE,
BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Reporting	Other Law Enforcement Positions Held (Percent of Number Reporting)						
		Deputy Sheriff	Municipal Policeman	Municipal Police Chief	State Policeman	FBI Agent	Other	None
250,000 and over	17	35.3	29.4	11.8	5.9	11.8	23.5	23.5
100,000 to 249,999	32	28.1	25.0	6.2	15.6	0.0	43.7	21.9
50,000 to 99,999	61	23.5	18.0	4.9	16.4	0.0	29.5	32.8
25,000 to 49,999	139	46.8	12.9	5.8	15.1	0.0	19.4	28.8
Less than 25,000	337	35.0	8.3	3.9	8.9	0.0	18.1	43.9
All Groups Combined	586	36.9	11.9	4.8	11.4	0.3	21.1	37.4

Note: Because of multiple responses, totals exceed 100 percent.
Source: Questionnaire.

of 250,000 or more persons had ever held a prior elective office.

The Electoral Process

The vast majority of successful sheriff candidates work for election through the machinery of established political parties and must be concerned with such matters as nomination, election, and corrupt practices legislation.

Nomination and Election

All of the states included in this study employ the direct primary system for the nomination of candidates for sheriff, and nine of the eleven use some form of run-off primary.⁶ The direct primary is an election in which registered voters select candidates to represent their political parties in the subsequent general election. If more than two individuals vie for the same office in the direct primary and if no candidate receives a majority of the votes cast, states having a run-off match the top two vote getters against one another in a second election. The winner of this contest represents his party in the general election. Comparative data on the dates of primary and general elections are contained in Table 10.

Interviewed sheriffs were asked to state their political affiliation. As expected, a great majority (79 percent) classified themselves as members of the Democratic party. Since the interview sample was drawn in such a way that it included a disproportionate number of the more heavily popu-

⁶The eleven southern states have developed markedly different procedures for administering and regulating primaries. The states also differ in regard to the nominating procedures that must be followed by political party officials and candidates. Since the magnitude of these differences would require a separate study, and also because election laws are easily accessible from other sources, this topic is not developed here.

Table 10
CALENDAR OF ELECTIONS AND TERMS, BY STATE, ELEVEN SOUTHERN STATES, 1966

State	Date of Election			Date Term Begins (Following Election)
	Primary	Run-off ^a	General	
Alabama	May, 1st Tues. (1962, 66, 70, etc.)	4th Tues. after 1st primary	Nov., 1st Tues. after 1st Mon.	Jan., 1st Mon. after 2nd Tues.
Arkansas	July, 2 weeks preced- ing 2nd Tues. in Aug. (1966, 68, 70, etc.)	Aug., 2nd Tues.	Nov., Tues. after 1st Mon.	Jan., 1st day
Florida	May, 1st Tues. after 1st Mon. (1964, 68, 72, etc.)	May, 4th Tues. after 1st Mon.	Nov., 1st Tues. after 1st Mon.	Jan., 1st Tues. after 1st Mon.
Georgia	Sept., 2nd Wed. (1964, 68, 72, etc.)	14th day after 1st primary	Nov., 1st Tues. after 1st Mon.	Jan., 1st day
Kentucky	May, 1st Tues. after 4th Mon. (1965, 69, 73, etc.)	c	Nov., 1st Tues. after 1st Mon.	Jan., 1st day
Louisiana	Nov., 1st Sat. ^d (1963, 67, 71, etc.)	Six weeks after 1st primary	1st Tues. following 7th week after 2nd primary	July, 1st day
Mississippi	Aug., 1st Tues. af- ter 1st Mon. preced- ing gen. election (1963, 67, 71, etc.)	Three weeks after 1st primary	Nov., 1st Tues. after 1st Mon.	Jan., 1st Mon.
North Carolina	May, last Sat. (1962, 66, 70, etc.)	Four weeks after 1st primary	Nov., 1st Tues. after 1st Mon.	Dec., 1st Mon.
South Carolina	June, 2nd Tues. pre- ceding gen. election (1964, 68, 72, etc.) ^e	Two weeks after 1st primary	Nov., 1st Tues. after 1st Mon.	Jan., 1st Tues.

Table 10 (Continued)

State	Date of Election			Date Term Begins (Following Election)
	Primary	Run-off ^a	General	
Tennessee	f	c	Aug., 1st Thurs.	Sept., 1st day
Virginia	July, Tues. after 2nd Mon. 9 (1963, 67, 71, etc.)	5th Tues. following 1st primary	Nov., 1st Tues. after 1st Mon.	Jan., 1st day

^aHeld only if no candidate receives a majority of the total primary vote.

^bThe July primary is called a preferential primary and is held only in the event three or more candidates qualify. If no candidate receives a majority in this primary, the two leading candidates advance to the August (general) primary.

^cRun-off not required since plurality of primary vote is sufficient to nominate.

^dOther dates apply to the criminal and civil sheriffs of Orleans Parish.

^eOther dates apply to sheriffs in Beaufort, Berkeley, Cherokee, Hampton and Kershaw counties.

^fThere are no state laws which dictate the manner in which county officials may be nominated. Such policies are decided by the county executive committees in both the Republican and Democratic parties, and these bodies may use the county convention or direct primary system. If the latter system is used, primaries are held in even-numbered years (1966, 68, 70, etc.).

^gParty officials have the right to decide whether or not sheriffs will be nominated by the direct primary or by another method.

Source: Statutes of the various states.

lated counties, there is reason to believe that the Democratic percentage is even higher among all sheriffs.⁷

Corrupt Practices Legislation

Concern over potential abuses inherent in campaign financing has grown sharply in recent years, particularly since the "age of television." As a result, legislatures in each of the southern states have passed laws which seek: (1) to place restrictions on the amount of money that may be spent during a campaign and (2) to require candidates to make public the sources of their campaign funds and the manner in which these funds are expended. In addition to regulating financial aspects of political campaigns, these corrupt practices acts usually prohibit bribery, slander, libel, and other unsavory activities.

Term, Tenure and Experience in Office

Table 11 reveals that the sheriff's term of office is four years in each of the states except Arkansas and Tennessee. In these latter states the term is only two years. The two-year term is not popular among most of the sheriffs in these states due to the frequency of campaigns and attendant expenses. Strong pressure has been exerted on the legislatures in both states to expand the length of the term to four years.

Sheriffs in Kentucky, Mississippi and Tennessee (see Table 11) have had statutory restrictions placed upon their tenure in office. In Kentucky the sheriff is permitted to serve one four-year term, but must divorce him-

⁷The greatest Republican gains in the South appear to be occurring in the metropolitan areas.

Table 11

TERM AND TENURE PROVISIONS FOR THE OFFICE OF SHERIFF,
BY STATE, ELEVEN SOUTHERN STATES, 1966

State	Term		Tenure	
	Two Years	Four Years	Limited	Unlimited
Alabama		X		X
Arkansas	X			X
Florida		X		X
Georgia		X		X
Kentucky		X	X	
Louisiana		X		X
Mississippi		X	X	
North Carolina		X		X
South Carolina		X		X
Tennessee	X		X	
Virginia		X		X

Source: Constitutions of the respective states.

self from office during the term of his successor.⁸ Mississippi law also prohibits sheriffs from running for reelection but, unlike Kentucky, sheriffs may serve as deputies during the terms of their successors.⁹ Tennessee sheriffs are not permitted to hold office for more than six years in any period of eight years.¹⁰ If a sheriff holds office in Kentucky, Mississippi or Tennessee by virtue of appointment or special election to fill a vacancy, he is permitted to run for the office in the next general election.

⁸Ky., Const., sec. 99. Upheld in McGinnis v. Cassar, 230 Ky. 213, 18 S.W. 2d (1929).

⁹Mississippi, Constitution, Art. 5, sec. 135.

¹⁰Tennessee Code Annotated, 8-2001.

The courts in each of these states have ruled that tenure restrictions do not apply to interim sheriffs.

Tenure has been the topic of heated debate in the South. Proponents of the limited tenure system contend that a sheriff who may succeed himself has the opportunity to build up an organization and support that will perpetuate him in office. Opponents of limited tenure, on the other hand, argue that the sheriff who must consider whether he wants to run again and who, therefore, faces the possibility of judgment at the polls is under the psychic compulsion to act in a responsible fashion. They also contend that a high degree of professional competence can only be derived through experience in office and the accompanying occupational security that is permitted by unlimited tenure.

Thirty-eight percent of the interviewed sheriffs were serving their first term in office (see Table 12). However, analysis of the data contained in the table indicates no correlation between county size and first-term status. It is interesting to note, however, that in Kentucky and Mississippi, the two states which forbid consecutive terms, the percentage of sheriffs serving first terms is much higher than in the other states. This information strongly suggests that existing tenure laws in these states discourage or hinder re-entry in the office after the four-year enforced hiatus.

Both the interview data and the questionnaire data indicated that the overall average (median) number of years served by sheriffs as of June 1, 1967, was slightly in excess of 4,¹¹ but the range of experience

¹¹The average (mean) number of years served was approximately 7 for both the interview data and the questionnaire data. The mean average is not as typical as the median average because its value is distorted by extremes.

Table 12

PROPORTION OF SHERIFFS SERVING FIRST TERM, BY STATE
AND BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

State and County Population-Size Group	Number of Sheriffs Responding	Percent Serving First Term
State		
Alabama	15	26.7
Arkansas	15	40.0
Florida	15	13.3
Georgia	15	26.7
Kentucky	15	93.3
Louisiana	15	26.7
Mississippi	15	73.3
North Carolina	15	26.7
South Carolina	15	40.0
Tennessee	15	20.0
Virginia	15	26.7
Population-Size Group		
250,000 and over	12	41.7
100,000 to 249,999	27	29.6
50,000 to 99,999	39	38.5
25,000 to 49,999	42	38.1
Less than 25,000	45	40.0
Region	165	37.6

Source: Interview.

factors for the two sets of data differed.¹² The high average for the questionnaire data was 10.4 years (Florida), while the high average for the interview data was only 7.4 years (Virginia). The low averages also differed, being 1.4 years (Kentucky) for the interview data and 0.7 years (Tennessee) for the questionnaire data. The average number of years served in Arkansas and Tennessee (where the term of office is only 2 years) and

¹²Differences between the interview and questionnaire data were especially noticeable in Tennessee.

also in Kentucky and Mississippi (where tenure is restricted) was relatively low. It should be noted that the term of office commences at different times among the various states (see Table 10).

Qualifying for Office

After the results of a sheriff's election have been validated by the proper officials, the successful candidate is issued a commission by the governor of the state. Prior to assuming the mantle of office, however, the sheriff must "qualify" himself. This means that he must (1) take an oath and (2) post bond.

Oath

The oath of office is administered on the first day upon which the term of office begins. While oaths differ in substance from state to state, all contain provisions which pledge the sheriff to uphold law and order and to provide faithful and honest service to the people.

Bond

The sheriff's bond is designed as a safeguard for the public welfare and provides protection against failure by the sheriff and his deputies to faithfully and properly discharge the duties of office.¹³ The bond is payable to the state and subject to approval by county governing officials. In most cases the state legislature has prescribed the minimum and/or maximum amount of the bond (see Table 13), with only Kentucky leaving this

¹³Sheriffs protect themselves against the wrongful acts of their deputies by requiring bond from them. In most states, this bond is required by law. See the section on deputies for a discussion of this matter.

Table 13

SELECTED STATUTORY PROVISIONS RELATING TO SHERIFFS' BONDS,
BY STATE, ELEVEN SOUTHERN STATES, 1966

State	Limits of Bond for Civil Liability	Limits of Bond for Tax Collection	Body That Approves Bond
Alabama	Not under \$5,000	a	Court of County Commissioners, Board of Revenue or like body
Arkansas	\$5,000 to \$50,000	One-fourth greater than aggregate amount of taxes to be collected	County Court
Florida	\$200 to \$10,000 in counties of 150,000 population or less. \$10,000 to \$25,000 in counties of more than 150,000 population	a	Board of County Commissioners
Georgia	\$10,000 ^b	a	Ordinary or Superior Court Judge
Kentucky	Amount varies by county	Liable for "all charges of taxes made against him and for all money received by him"	County Court
Louisiana	\$6,000	\$10,000 more than previous year's collections	Board of Supervisors
Mississippi	\$4,000 to \$20,000 ^c	Up to 25% of taxes assessed in county for previous year, but not to exceed \$100,000	Board of Supervisors

Table 13 (Continued)

State	Limits of Bond for Civil Liability	Limits of Bond for Tax Collection	Body That Approves Bond
North Carolina	Not over \$5,000	Not over amount of local taxes for previous year	Board of County Commissioners
South Carolina	\$10,000 to \$25,000	a	Board of County Commissioners
Tennessee	\$12,000 to \$50,000	a	County Court
Virginia	\$10,000 to \$60,000	a	County Court

^aSheriff does not serve as tax collector.

^bMay be changed by local acts.

^cAmount may be doubled at discretion of county governing body.

Source: Statutes of the various states.

matter to the discretion of the county court. In the states of Arkansas, Kentucky, Louisiana, Mississippi and North Carolina, state law permits some or all sheriffs to collect taxes. Sheriffs so engaged must execute a second bond protecting the state against default with official revenue. (See Table 13 for the formula used to determine penalties on the tax bond.)

The nature of bonding practices differ from state to state. However, the following generalizations apply to each southern state:

- (1) Bonding is mandatory. Sheriffs who cannot obtain a bond, or who have had it cancelled by the surety, may not serve.
- (2) Normally the county pays the premium on bonds held by the sheriff.
- (3) The county officials responsible for approving the sheriff's bond may determine its amount within statutory limitations.¹⁴
- (4) Bonds normally must be written by a "good and sufficient" surety company. Alabama, North Carolina, Tennessee and Virginia allow sheriffs to obtain surety from private sources, but in practice this rarely occurs. Higher penalties usually are required of personal sureties.

Vacancies

Vacancies in the office of sheriff occur as a result of death, resignation, removal and so forth. Table 14 specifies the officer or body empowered to fill the vacancy in each state as well as the officer or individual who serves in the interim period before the vacancy is filled.

In Alabama, North Carolina, South Carolina, Tennessee and Virginia

¹⁴In Mississippi, for example, the County Board of Supervisors has the right to double the penalty on the bond. Mississippi Code (1942), Annotated and Recompiled, sec. 3950.

Table 14

OFFICERS EMPOWERED TO FILL VACANCIES IN THE OFFICE OF SHERIFF AND INDIVIDUALS ENTITLED TO SERVE AS SHERIFF UNTIL THE POSITION IS LEGALLY FILLED, BY STATE, ELEVEN SOUTHERN STATES, 1966

State	Officer Empowered to Fill Vacancies	Interim Sheriff
Alabama	Governor	Coroner
Arkansas	Governor	Appointee of Governor
Florida	Governor	Appointee of court of record
Georgia	Ordinary	Appointee of ordinary or coroner
Kentucky	County Court	Coroner
Louisiana	Governor, with consent of Senate	Coroner ^a
Mississippi	County Board of Supervisors	Deputy. If none, coroner ^b
North Carolina	County Commission	Coroner
South Carolina	Governor	Coroner
Tennessee	County Court	Coroner ^c
Virginia	Circuit Court	Appointee of circuit court

^aExcept in Orleans Parish.

^bMay not collect taxes.

^cDeputies execute legal process.

Source: Constitutions and statutes of the respective states.

the appointee may serve for the remainder of the unexpired term.¹⁵ However, in the other six states, more complex tenure restrictions have been formulated. In Arkansas the person appointed to fill the vacancy in the sheriff's office may serve for the remainder of the unexpired term if the

¹⁵Although there are differences among the southern states as to how vacancies will be filled, every state is similar in that the appointed sheriff may run for the office in the next election, even if state law forbids consecutive terms in office.

office is to be contested at the next general election. However, if the vacancy develops less than four months before the next general election, the appointee holds office until the following general election, at which time the office must be contested.¹⁶ The appointee in Florida may hold office until the first Tuesday after the first Monday in January after an election has been held (presumably the next general election) and a successor elected and qualified.¹⁷ A person appointed to a vacant sheriff's office in Georgia may not hold the office for more than six months.¹⁸ County governing officials must call a special election sometime prior to the expiration of this six-month period, and the winner of this election may serve the remainder of the original term. In Kentucky the appointee may serve until the next general election if he takes office more than three months before the election. If he is appointed less than three months before this election he may retain office until the second succeeding general election.¹⁹ An appointee in Louisiana may serve no longer than one year and a special election to fill the post "shall be ordered by the proper legal authority with the least possible delay."²⁰ In Mississippi a person appointed to a vacant post may hold office for a maximum period of six months. In order to fill the position for the remainder of the term, a special election must be called within 60 days after the vacancy occurs.²¹

¹⁶Arkansas, Constitution, Art. 29, sec. 4.

¹⁷Florida Statutes Annotated, sec. 114.04.

¹⁸Georgia Code Annotated, sec. 23-701(5).

¹⁹Ky., Const., sec. 152.

²⁰Louisiana Revised Statutes, 43:373.

²¹Miss. Code., sec. 3906.

Removal From Office

From time to time situations arise that necessitate the removal of a sheriff from office. He may be deemed incompetent or insane, or may have suffered some type of physical or mental handicap. Also, sheriffs may face removal because of malfeasance (commission of an act that is legally unjustified, potentially harmful, or contrary to the law); misfeasance (the wrongful performance of what is normally a legal activity); or remission of duty.

Southern legislatures have used extreme care in specifying offenses that subject sheriffs to removal. While these offenses vary somewhat from state to state, it may be generalized that serious violations of accepted moral or ethical conduct and severe breaches of the law may serve as justification for a sheriff's removal. Table 15 outlines the manner in which removal is effected in the various states.

Table 15

MANNER IN WHICH SHERIFFS MAY BE REMOVED FROM OFFICE,
BY STATE, ELEVEN SOUTHERN STATES, 1966

State	Impeachment	Recall	Governor	Courts
Alabama	X			X
Arkansas	X		X	X
Florida			X	
Georgia		X	X	X
Kentucky			X	X
Louisiana	X	X	X	X
Mississippi	X	X	X	X
North Carolina	X			X
South Carolina			X	X
Tennessee				X
Virginia	X			X

Source: Statutes of the respective states.

Compensation

Sheriffs ordinarily receive a fee for each official act performed by themselves or their deputies. The nature of the act and the fee allowed for its performance generally is fixed by state statute and is payable by the party for whom the service is rendered.²² In some instances the sheriff is paid a fixed salary and all fees collected for the performance of official duties normally are paid into the county general fund from which the sheriff's salary and departmental operating expenses are paid.²³ In other instances the sheriff is authorized to pay deputies' salaries and other office expenses out of fee collections and to retain the residue as his personal income.²⁴ In still other instances, the sheriff is compensated by both fees and a fixed salary. Before examining the manner of compensation in the southern states surveyed, it is appropriate to consider the advantages and disadvantages of the fee system.

Fee Versus Salary

The fee system of compensation, although long a part of American common law tradition, has led a controversial life.²⁵ The major arguments

²²Some fees are payable by individuals, and other fees are payable by the county and/or the state (unless the sheriff receives a fixed salary). For example, the fee for serving papers in a civil case is paid by the litigant, but the fee for summoning jurors is paid out of the county treasury.

²³Fee collections in Kentucky counties having 75,000 or more inhabitants are paid to the state rather than to the county, and the sheriff's salary and departmental expenses are paid out of the state treasury. In Louisiana all fees and commissions are paid into a special "sheriff's salary fund" from which warrants are drawn for salaries and operating expenses.

²⁴In some cases the state constitution or statutes place a limitation on the amount of the residue which may be retained as personal income.

²⁵Persons familiar with literature in the field of state and local government are well aware of the fact that the office of sheriff has been subjected to sharp criticism. Almost invariably the fee system becomes the focal point of such criticism. It should be noted that the National Sheriffs' Association advocates the elimination of the fee system for compensating sheriffs and their deputies.

commonly presented for and against the fee system are summarized below.

Arguments for the Fee System. Proponents of the fee system contend that sheriffs so compensated will be stimulated to work harder than sheriffs accorded a fixed salary. Under the fee plan only those sheriffs who work diligently will receive ample compensation. Thus, fees are said to promote efficiency, zeal and dedication to duty.

A second argument commonly utilized by advocates of the fee system is that the potential dangers inherent in schemes for salary determination far exceed the abuses that exist under the fee plan. These advocates direct attention to the problems inherent in schemes for salary formulation. How, for instance, can authorities charged with establishing salaries perform this task equitably? Should salaries be based upon the size of the county, its population, its physical proximity to heavily populated areas, or upon some other factor or combination of factors?

Individuals arguing for retention of the fee system of compensation also point to the fact that states which place sheriffs on a fixed compensation frequently do not adjust the salary schedule for long periods of time. As a result, the position becomes underpaid. This fact, in turn, leads to a deterioration in the quality of law enforcement.

Arguments Against the Fee System. Persons opposed to the fee system generally agree that any type of salary schedule will have certain defects and inequitable features. They contend, however, that fees are even more unfair. For example, sheriffs serving counties that are losing population and/or are undergoing economic decline generally cannot extract adequate compensation through fees. Sheriffs in a favorable economic climate, on the other hand, are in a position to amass considerable amounts of money. The potential inequities inherent in the fee system exceed the inequities

which may develop in a statutory salary system.

Critics of the fee system contend also that such method of compensation deprives the public of sufficient control over the office of sheriff since it is difficult for the public to gain knowledge of the sheriff's total income when such income is derived from fees. A system of compensation by salary would, in large part, eliminate this problem.

A third argument promulgated by foes of the fee system concerns inherent weaknesses in the fee schedules that have been drawn by state legislatures. In many cases the fees allowed sheriffs for the performance of civil duties exceed the fees for the performance of law enforcement duties. Since civil duties generally are more easily and safely performed than are law enforcement duties, the latter may be neglected. This is especially true where the sheriff serves as tax collector and is paid a commission on all taxes collected.

As originally drawn, the fee system was most frequently opposed because there was a personal profit to be gained from arrest and conviction--thus abridging the basic presumption of innocence prior to a finding of guilty by legal court proceedings. The fee system encouraged excessive arrests and convictions.

Manner of Compensation in Southern States

Several southern states, like those in other regions of the United States, have abandoned completely the fee system of compensation in favor of a fixed salary. Other southern states are moving gradually--but inexorably--in that direction.

Alabama. At the time of the survey (Spring, 1967), sheriffs in 20 Alabama counties were compensated by means of a fixed salary, leaving 47 sheriffs with authority to retain fees. Where payment was by salary, the

amount was fixed by the legislature for each individual county.²⁶ The amount of the salary ranged from \$4,200 to \$16,000 per year.²⁷ Fee sheriffs pay for deputies and other departmental expenses out of the fees collected, but salaried sheriffs deposit all fees in the county treasury and must look to the county general fund for payment of deputies' salaries and other expenses. In the latter instance, the county governing body generally determines the amount which may be paid.

Arkansas. Approximately two-thirds of the sheriffs in Arkansas operate under the fee system but are limited to a personal annual income of \$5,000.²⁸ If a residue of more than \$5,000 exists after paying deputy salaries and operating expenses, it must be deposited in the county treasury. In the counties not operating on a fee basis, sheriffs have been placed on a salary fixed by the legislature under county-initiated salary acts. While the amount of the salary cannot exceed \$5,000, salaried sheriffs may be given an expense and/or automobile allowance in addition to the salary. Deputies' salaries and departmental operating expenses in such counties normally are fixed by the county governing body and are paid out of the county general fund into which all fees collected by the sheriff have been deposited.

Florida. In Florida all sheriffs are compensated by means of a fixed salary. The amount of the salary has been prescribed for each county in

²⁶ In each case it was necessary to amend the state constitution to authorize the legislature, through either local or general laws of local application, to determine the manner and amount of compensation allowed county officers. Sometimes the constitutional amendment required that the legislative act be submitted to the voters of the county.

²⁷ Statement issued by the Alabama Department of Examiners of Public Accounts, Montgomery, Alabama, 1966.

²⁸ Ark., Const., Art. 19, sec. 23, and Arkansas Statutes (1947), Annotated, 12-1118.

a general legislative act and seems to be based primarily upon county population.²⁹ The amount of the salary as of October 1, 1967, varied from \$7,000 to \$17,000 per year, except in Dade County where the salary is fixed under home rule provisions. The sheriff's salary, plus deputies' salaries and departmental expenses, is paid from the county treasury which contains all fees collected by the sheriff. Each sheriff is required to prepare a proposed budget which must be approved by the county governing board or, in some instances, by a county budget commission. If the board or commission adjusts the budget in a manner unsatisfactory to the sheriff, an appeal may be had to an appeals board composed of the governor, attorney general and state comptroller.³⁰

Georgia. All Georgia sheriffs are paid salaries,³¹ the amounts of which have been determined for each county through special acts of the legislature.³² Fees collected by the sheriffs are deposited in the county treasury, and operating expenses and personnel salaries are paid as prescribed in the special acts.

Kentucky. Under Kentucky law sheriffs in the four counties having 75,000 or more inhabitants receive an annual salary of \$9,600 paid out of the state treasury.³³ In these counties, all fees and commissions received

²⁹Fla. Stat. Ann., 145.071. See also ibid., 30.48.

³⁰Fla. Stat. Ann., 30.49 et seq.

³¹Ga. Code Ann., 24-2826.

³²An examination of the special acts reveals that salaries range from \$4,000 to \$15,000 per year and that the blanket abolition of fees apparently required by the general Sheriff Salary Act of 1964 has not been fully realized in some counties. For details of the Georgia compensation system, see George A. James, Albert M. Pickett, and Robert F. Muzenrider, Sheriffs' Salaries in Georgia (Athens: Institute of Government, The University of Georgia, 1968).

³³Kentucky Revised Statutes, 64.530.

by the sheriff are paid to the state and the sheriff may recover up to 75 percent of the fees to cover his salary, deputies' salaries and operating expenses. The remaining 116 sheriffs also receive \$9,600 per year, provided the fees of the office--together with any salary which the fiscal court may authorize--equal that sum.³⁴ Departmental salaries, operating expenses and other costs are established by the county governing bodies; and fees in excess of the \$9,600, plus the authorized employee salaries and operating expenses, are remitted to the county.

Louisiana. All sheriffs in Louisiana receive a salary. The amount of the salary has been fixed for each county in a general legislative act and, as of December 31, 1966, salaries ranged from \$10,000 to \$16,600 per year.³⁵ All fees and commissions collected by the sheriff are deposited in a special "sheriff's salary fund" from which the sheriff is free to draw his salary, the salary of each of his deputies and all lawful expenses of his office. In the event the amount of money in the sheriff's salary fund exceeds the necessary expenses of the sheriff's operation, the excess may be expended in any succeeding year in which the fund is insufficient to defray salaries and expenses. Any surplus remaining at the end of each four-year term of office is distributed as provided by law. Up to one-third of the amount of revenues of the last year of office may be retained in the fund, however, for use in financing the operation of the office and purchasing law enforcement equipment.³⁶

³⁴Ibid., 64.345.

³⁵La. Rev. Stat., 33:1421. In addition to the salary, each sheriff is granted an amount equal to 5 percent of his annual salary as a personal expense allowance.

³⁶Ibid., 33:1426.

Mississippi. Mississippi is the only state in the South--and in the nation--in which all sheriffs operate under the fee system.³⁷ Legislation is pending before the 1968 Legislature, however, to eliminate the fee system and to place all sheriffs on a salary to be fixed by the legislature.

North Carolina. In 1953 the North Carolina general assembly passed a general act which, when coupled with subsequent pieces of legislation, gave county governing boards wide authority over the compensation of sheriffs and other county officials.³⁸ As of January, 1966, 83 of North Carolina's 100 sheriffs were paid salaries plus an additional expense allowance.³⁹ The salaries ranged from slightly less than \$5,000 to a little more than \$13,000 per year. In the remaining counties, the sheriff received a salary plus certain fees. Deputy salaries and departmental operating expenses generally were determined by the county governing board and were paid from the county general fund. All fees were deposited in the county treasury in those counties where the sheriff was compensated solely by means of a salary and expenses.

South Carolina. All sheriffs in South Carolina except one receive a salary as compensation for their services.⁴⁰ The salary normally is fixed

³⁷Miss. Code, sec. 3936. Since the sheriff is ex officio tax collector and receives a commission for collecting taxes and since he is permitted to retain all fees and commissions after paying for the operation of his department, the sheriff frequently enjoys substantial personal income. Reports filed with the secretary of state for the year 1966 reveal that 12 sheriffs had net incomes in excess of the governor's annual salary of \$25,000. The highest net income reported was \$71,225; the average (mean) was about \$18,000 (The Clarion Ledger, Jackson, Miss., Mar. 4, 1968).

³⁸North Carolina Session Laws of 1953, chap. 1227.

³⁹Elizabeth Pace, County Salaries in North Carolina (Chapel Hill: Institute of Government, The University of North Carolina, 1966), pp. 26-30.

⁴⁰In Charleston County the sheriff basically is on a fee system. The sheriff in that county is not a law enforcement officer but is a process server and collector of delinquent taxes. The Charleston County Police Department performs law enforcement duties.

by each county's legislative delegation and is incorporated into the annual county appropriation act authorizing the levying of taxes and the expenditure of county funds.⁴¹ Deputy salaries and departmental operating expenses also are incorporated into the county appropriation act. For the fiscal year 1967-1968, the sheriffs' salaries set forth in the various appropriation acts ranged from \$4,000 to approximately \$12,000.

Tennessee. The Tennessee general assembly has established minimum and maximum compensation levels, by population groups, for all sheriffs and other county officers.⁴² The maximum compensation ranges from \$3,200 per year in counties with less than 3,500 inhabitants to \$13,500 per year in counties with 235,000 or more inhabitants. In obtaining the compensation, two distinct patterns are authorized: (1) the sheriff may retain fees for use in underwriting departmental salaries and office expenses approved by the judge of the circuit or criminal court, and (2) the quarterly county court may appropriate funds for paying the sheriff the maximum salary as well as for paying departmental salaries and expenses.⁴³ Under the first arrangement fees collected in excess of the amount needed to meet the maximum salary and approved expenses are paid to the county. If, however, fee collections are inadequate to meet the maximum salary and authorized expenses, the sheriff forfeits the maximum compensation and is entitled only to the fees collected or to the minimum compensation. In this latter instance, the quarterly county court may, at its discretion, allow

⁴¹In seven counties the county governing body is authorized to establish the sheriff's salary and to approve the departmental budget without subsequent approval by the legislative delegation.

⁴²Tenn. Code Ann., 8-2401, 8-2403 and 8-2405. See also, ibid., 8-2201.

⁴³ibid., 8-2404. The number of counties operating under each pattern has not been determined.

the sheriff the maximum compensation.

Virginia. All Virginia sheriffs receive a salary. The salary normally is fixed by the State Compensation Board within minimum and maximum limits set by the general assembly for various county population categories.⁴⁴ The amount of the maximum salary varies from \$5,200 per year in counties having a population of not more than 4,000 persons to \$17,500 per year in counties having either a population of more than 250,000 persons or a population density of 2,000 persons or more per square mile.⁴⁵ Two-thirds of the sheriff's salary is paid by the state and one-third is paid by the county.⁴⁶ All fees collected by the sheriff are paid into the county treasury and two-thirds of such payments are credited to the state.

⁴⁴Virginia Code (1950), 14.1-68 and 14.1-73. For exceptions to the salary scale see ibid., 14.1-74. In counties governed under the county executive or county manager plans, the salary is fixed by the Compensation Board in an amount determined as provided in the form of government and organization adopted by the county. ibid., 14.1-82.

⁴⁵The range of the salaries actually fixed by the Compensation Board for 1967 is not known.

⁴⁶Va. Code, 14.1-79.

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Chapter IV

POWERS, DUTIES AND RESPONSIBILITIES

The powers, duties and responsibilities of the county sheriff are many and varied and have their origins not only in the statutes but also in the common law.¹ In fact, most of the statutory functions of the modern sheriff stem originally from his common-law role as "keeper" of the county. Thus the sheriff is usually, but not always, responsible for (1) preserving the peace, enforcing the law and making arrests; (2) attending the courts and serving papers, subpoenas, processes and the like in both civil and criminal matters; and (3) operating the county jail and caring for persons in custody. In addition he may be responsible for collecting taxes and for performing a variety of miscellaneous functions.

Law Enforcement

The sheriff in the South, as elsewhere, normally is the chief law enforcement officer within his county.² As such it is his power and duty "to preserve the peace, enforce the laws and arrest and commit to jail

¹The common law originated in England and rests upon custom and judicial precedent rather than upon legislative enactments. The common law may be expanded, modified or repealed by statute. Indeed, much of the common law has been converted into statutory law by legislative revision or codification of laws.

Louisiana, having been settled predominantly by the French rather than the English, never adopted the common law. Instead, the Louisiana tradition is one of civil law, being based upon the Napoleonic Code and its antecedents.

²In some counties, however, the sheriff may not function as the principal law enforcement officer due to the presence of an independent, county-wide police force or to the existence of a metropolitan police force as in the case of Nashville-Davidson County, Tennessee.

felons and other infractors of statutory or common law³

Jurisdiction

As a general rule the sheriff may exercise his authority only within the territorial confines of his county. Exceptions to this rule include, but are not limited to, instances in which the sheriff is in "hot pursuit" of a law violator or instances in which the law enforcement officer of another jurisdiction has called upon the sheriff for assistance.⁴ If the sheriff is ordered to transport a prisoner or other person to an institution outside the county, the sheriff's power to hold the person in custody is not forfeited when he leaves his own jurisdiction.

As chief law enforcement officer of the county, the sheriff manifestly is responsible for protecting all persons within the county, even those persons residing within incorporated municipalities which possess their own police departments.⁵ While the sheriff has the right to assume that municipal police officers are enforcing the laws within their respective municipalities (in the absence of evidence to the contrary), he is not legally relieved of the ultimate responsibility for the maintenance of law and order within them.⁶

Preservation of the Peace

The sheriff is the primary guardian of the public peace and security

³Walter H. Anderson and others, A Treatise on the Law of Sheriffs, Coroners and Constables (Buffalo: Dennis and Co., Inc., 1941), Vol. 1, p. 6.

⁴"Hot pursuit" is a matter for judicial interpretation.

⁵In Virginia, "independent cities" exist outside the area of the county and are beyond the jurisdiction of the sheriff.

⁶Relationships between the sheriff and municipal police officers is discussed in Chapter VII.

within his jurisdiction. In times of emergency or threatened public disorder, he is expected to take measures to preserve the public tranquility. In the event a riot should develop, however, it is his duty to see that the disturbance is quelled and that order is restored. He may, if the situation demands, not only rely upon his regularly appointed deputies to assist him but also may resort to the posse comitatus. This means that he may summon any number of private citizens to assist him in keeping order, pursuing felons and making arrests.⁷ Failure to respond to such a summons makes the citizen liable for fine and/or imprisonment.

In reply to The University of Mississippi-National Sheriffs' Association questionnaire, approximately 58 percent of the responding sheriffs reported that their departments possessed special equipment for suppressing riots (see Table 16). While possession of special riot weapons and supplies varied substantially among the states (96 percent in Louisiana as compared to only 27 percent in Kentucky), a clear pattern emerged among county population-size groups: the larger the population group, the greater the percentage of sheriffs possessing riot equipment. It is significant that less than half the sheriffs in the 25,000 or less county population category reported possession of any special weapons or supplies for quelling a major public disorder.

The frequency with which sheriffs' departments possessed selected types of riot equipment is shown for interviewed sheriffs in Table 17.⁸

⁷The posse comitatus, or power of the county, is rarely utilized today.

⁸This table indicates only the percentage of departments which have some measure of riot equipment and in no way reflects the adequacy of such equipment. It should be noted that the existence of riot equipment was greater among interviewed sheriffs than among those sheriffs responding to the questionnaire.

Table 16

PROPORTION OF SHERIFFS' DEPARTMENTS POSSESSING RIOT EQUIPMENT,
BY STATE AND BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

State and County Population-Size Group	Number of Sheriffs Reporting	Percent Possessing Riot Equipment
State		
Alabama	43	60.5
Arkansas	46	47.8
Florida	55	87.3
Georgia	65	52.3
Kentucky	75	26.7
Louisiana	45	95.6
Mississippi	38	76.3
North Carolina	71	57.7
South Carolina	29	86.2
Tennessee	39	46.1
Virginia	69	39.1
Population-Size Group		
250,000 and over	17	94.1
100,000 to 249,999	32	81.2
50,000 to 99,999	61	80.3
25,000 to 49,999	138	67.4
Less than 25,000	327	45.6
Region	575	57.9

Source: Questionnaire.

Table 17

POSSESSION OF SELECTED TYPES OF RIOT EQUIPMENT BY SHERIFFS' DEPARTMENTS,
BY 1960 COUNTY POPULATION-SIZE GROUP, ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Responding	Percent of Number Responding				
		Shotguns	Tear Gas and Masks	Riot Clubs	Auto- matic Weapons	Protec- tive Headgear
250,000 and over	12	100.0	100.0	83.3	83.3	75.0
100,000 to 249,999	27	77.8	85.2	51.8	74.1	55.6
50,000 to 99,999	39	87.2	89.7	71.8	74.4	59.0
25,000 to 49,999	42	88.1	69.0	61.9	54.8	50.0
Less than 25,000	45	73.3	71.1	55.6	44.4	28.9
All Groups Combined	165	83.0	79.4	62.4	61.8	49.1

Source: Interview

While the relative importance of the various types of equipment differed somewhat among county population groups, the table clearly shows that the overall order of rank was shotguns, tear gas and masks, riot clubs, automatic weapons, and protective headgear. The possession of equipment generally decreased as population-size decreased, but there were some exceptions. For example, sheriffs' departments in the 50,000-99,999 category tended to be better equipped than departments in the 100,000-249,999 category.

Table 18 shows the percentage of interviewed sheriffs whose departments possessed dogs for use in crowd control. Dog corps were of significance only in the first two population categories. Even there, however, they were found in less than one-fifth of the departments.

Table 18

PROPORTION OF SHERIFFS' DEPARTMENTS POSSESSING DOG CORPS
BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Responding	Percent Having Dog Corps
250,000 and over	12	16.7
100,000 to 249,999	27	18.5
50,000 to 99,999	39	2.6
25,000 to 49,999	42	4.8
Less than 25,000	45	0.0
All Groups Combined	165	6.1

Source: Interview.

Patrol

Patrol, or regularized coverage of beats or areas, is basic to maintenance of the peace, prevention of crime and suppression of criminal activity. The degree to which sheriffs' departments engage in patrol is,

perhaps, one measure of the extent to which they function as law enforcement agencies.

Patterns of Patrol. While it may be assumed that almost all sheriffs' departments throughout the South sometimes engage in road patrol, nearly 41 percent of those departments responding to the questionnaire indicated that they did not maintain regular, daily road patrols (see Table 19).⁹

Table 19
REGULAR DAILY ROAD PATROLS MAINTAINED BY SHERIFFS' DEPARTMENTS,
BY STATE, ELEVEN SOUTHERN STATES, 1967

State	Number of Sheriffs Reporting	Percent with Patrol				Percent with no Patrol
		County Rural Roads	State Rural Roads	City Streets	Inter-state Highways	
Alabama	44	65.9	59.1	34.1	15.9	34.1
Arkansas	45	57.8	51.1	20.0	17.8	42.2
Florida	55	63.6	60.0	36.4	20.0	32.7
Georgia	66	51.5	48.5	21.2	10.6	48.5
Kentucky	75	82.7	76.0	41.3	21.3	16.0
Louisiana	46	69.6	69.6	39.1	23.9	28.3
Mississippi	37	54.0	32.4	10.8	10.8	45.9
North Carolina	72	50.0 ^a	44.4	15.3	13.9	47.2
South Carolina	30	66.7	53.3	16.7	16.7	33.3
Tennessee	39	69.2	64.1	35.9	12.8	28.2
Virginia	71	22.5 ^a	21.1	7.0	5.6	77.5
Region	580	58.1	52.2	25.2	15.2	40.7

Note: Because of multiple responses, totals exceed 100 percent.

^aAll roads in North Carolina and essentially all roads in Virginia are under the control of the state; however, sheriffs apparently are able to distinguish between state roads and county roads under state control.

Source: Questionnaire.

⁹The questionnaire did not define regular, daily road patrol. Thus some of the variations among states may be due, in part, to differences in interpretation as to what it is that constitutes such patrol.

Instead, they limited their patrol activities primarily to answering calls and to disposing of complaints. Although the patrol pattern varied considerably (compare Kentucky and Virginia, for example), more sheriffs in each state patrolled county rural roads than any other type.

The frequency of road patrol shifts among departments whose sheriffs were interviewed is shown in Table 20. On the surface it would appear that there was less patrol activity among interviewed sheriffs than among sheriffs who responded to the questionnaire; but this is not necessarily so, for it is entirely possible for a department to make daily road patrols (as indicated by the questionnaire response) without maintaining specific patrol shifts. There can be little doubt, however, that departments in counties having small populations engage in patrol less often than do departments in counties having large populations.

Table 20
SHIFT ARRANGEMENT OF ROAD PATROLS AMONG SHERIFFS' DEPARTMENTS,
BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Sheriffs Responding		Percent of Number Responding				
	Number	Percent	No Shifts	One Shift	Two Shifts	Three Shifts	More Than Three Shifts
250,000 and over	12	100.0	33.3	8.3	0.0	58.4	0.0
100,000 to 249,999	27	100.0	22.2	0.0	11.1	63.0	3.7
50,000 to 99,999	39	100.0	41.0	0.0	25.7	28.2	5.1
25,000 to 49,999	42	100.0	66.7	7.1	14.3	11.9	0.0
Less than 25,000	45	100.0	80.0	11.1	8.9	0.0	0.0
All Groups Combined	165	100.0	54.6	5.5	13.9	24.2	1.8

Source: Interview.

Among those 75 interviewed sheriffs who reported that they maintained one or more regular road patrol shifts, only 52 percent stated that they provided 24-hour coverage (see Table 21).¹⁰ Again, the relationship between response and county population size is quite apparent.

Table 21

PROPORTION OF SHERIFFS' DEPARTMENTS REGULARLY PROVIDING 24-HOUR ROAD PATROL, BY 1960 COUNTY POPULATION-SIZE GROUP, ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Responding	Percent with 24-Hour Coverage
250,000 and over	8	75.0
100,000 to 249,999	21	71.4
50,000 to 99,999	23	52.2
25,000 to 49,999	14	42.9
Less than 25,000	9	0.0
All Groups Combined	75	52.0

Source: Interview.

While no relationship was found to exist between county population size and the number of men per automobile assigned to patrol, a striking contrast between day and night assignments was evidenced. This contrast is shown in Table 22.

The median number of miles of road patrolled by each sheriff's department was 300 and the median number of vehicle miles traveled during calendar year 1966 was 160,000.¹¹ The vehicle-mile figure includes all

¹⁰No attempt was made, however, to discover how much of the area of the county was regularly patrolled.

¹¹Miles of road patrolled was based on 47 interview responses and vehicle miles of travel was based on 134 interview responses.

Table 22

MANNING OF PATROL CARS IN SHERIFFS' DEPARTMENTS REGULARLY OPERATING ROAD PATROL SHIFTS, BY TIME OF SHIFT, ELEVEN SOUTHERN STATES, 1967

Time of Shift	Sheriffs Responding		Percent of Number Responding		
	Number	Percent	One Man Per Auto	Two Men Per Auto	Unstated Number of Men Per Auto
Day	71	100.0	66.2	32.4	1.4
Night	68	100.0	32.4	64.7	2.9

Source: Interview.

departmental travel, not simply the travel generated by regular patrol.

Automobiles.¹² The number of patrol automobiles employed during the largest shift is shown in Table 23 for those interviewed sheriffs whose

Table 23

PATROL AUTOMOBILES USED DURING LARGEST SHIFT, BY 1960 COUNTY POPULATION-SIZE GROUP, ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Responding	Number of Automobiles			Number of Automobiles Per 100 Square Miles		
		High	Low	Average ^a	High	Low	Average ^a
250,000 and over	8	24.0	1.0	11.5	3.1	0.3	1.3
100,000 to 249,999	19	15.0	1.0	4.0	2.2	0.1	0.7
50,000 to 99,999	23	8.0	1.0	3.0	2.9	0.1	0.4
25,000 to 49,999	14	10.0	1.0	2.5	2.5	0.2	0.4
Less than 25,000	9	9.0	1.0	2.0	1.0	0.2	0.4
All Groups Combined	73	24.0	1.0	3.0	3.1	0.1	0.6

^aMedian.

Source: Interview.

¹²Other motor vehicles (motorcycles, boats, helicopters, airplanes, etc.) were reported so infrequently as to be insignificant except in the case of particular counties. Such vehicles, therefore, are omitted from this discussion.

departments maintain regular patrol shifts. This table clearly illustrates that both the average (median) number of patrol automobiles and the average number of patrol automobiles per 100 square miles is directly related to county population size. The same relationship exists, also, with respect to the number and density of total sheriffs' automobiles (see Table 24). State-by-state data not shown in the table reveal that the average (median) number of automobiles per department varied from a high of 8.5 in Louisiana to a low of 2.0 in Georgia, and the average number of automobiles per 100 square miles ranged from 1.5 in Louisiana to a low of 0.5 in Alabama and Arkansas.¹³

Table 24

TOTAL SHERIFFS' AUTOMOBILES, BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Reporting	Number of Automobiles			Number of Automobiles Per 100 Square Miles		
		High	Low	Aver- age ^a	High	Low	Aver- age ^a
250,000 and over	17	241.0	7.0	40.0	22.7	1.7	5.6
100,000 to 249,999	31	74.0	2.0	19.0	45.8	0.3	3.3
50,000 to 99,999	59	24.0	3.0	8.0	7.6	0.4	1.5
25,000 to 49,999	140	28.0	2.0	6.0	4.7	0.3	1.0
Less than 25,000	335	30.0	1.0	3.0	5.7	0.1	0.7
All Groups Combined	582	241.0	1.0	4.0	45.8	0.1	0.9

^aMedian

Source: Questionnaire.

¹³If the mean (rather than the median) is considered, Florida replaces Louisiana as the state with the highest average number of vehicles per department and per 100 square miles. Alabama, Arkansas and Georgia, however, retain their respective positions.

Sheriffs' patrol automobiles throughout the South generally are marked in a conspicuous manner. Moreover, a little more than two-thirds (67.6 percent) of the departments maintaining regular road patrols reported the use of a uniform paint scheme for all vehicles.¹⁴ Florida, however, was the only state in which the paint scheme was reported to be standardized throughout the state. For the South as a whole, 78.8 percent of the reported automobiles were equipped with a siren; 65.8 percent were equipped with a flashing light; 31.3 percent were equipped with a spotlight; and 18.7 percent were equipped with a public address system.¹⁵

Ownership and leasing practices for automobiles operated by sheriffs' departments are shown in Table 25. While the situation varies from state to state, it is significant that only slightly more than 50 percent of the total number of automobiles were reported to be county-owned. It is significant, also, that leasing arrangements were not common in the eleven southern states.

Radio Communications. Southern sheriffs apparently recognize the merits of police radio to facilitate communications between office personnel and deputies in the field, for 95.7 percent of the sheriffs reported the possession of some type of two-way radio communications system.¹⁶ Moreover, almost all of the sheriffs who reported possession of such a system also reported that direct intercommunication between automobiles was possible. Of the total number of automobiles reported by sheriffs'

¹⁴Based on 74 interview responses.

¹⁵Based on 582 questionnaire responses and a total of 4,323 automobiles.

¹⁶The questionnaire did not inquire into the kind or adequacy of the system employed nor did it attempt to discover the extent to which radio communications were utilized.

Table 25
AUTOMOBILE OWNERSHIP AND LEASING PRACTICES AMONG SHERIFFS' DEPARTMENTS,
BY STATE, ELEVEN SOUTHERN STATES, 1967

State	Number of Sheriffs Reporting	Automobiles		Percent Owned			Percent Leased	Percent Not Stated
		Number	Percent	County	Sheriff	Deputies		
Alabama	44	260	100.0	69.6	25.0	3.5	0.0	1.9
Arkansas	48	236	100.0	24.6	34.8	25.4	0.0	15.2
Florida	56	1,219	100.0	57.9	11.1	6.3	9.7	15.0
Georgia	67	240	100.0	72.1	12.5	14.6	0.0	0.8
Kentucky	77	299	100.0	2.0	31.4	60.2	0.7	5.7
Louisiana	44	518	100.0	51.0	35.9	2.7	0.2	10.2
Mississippi	37	188	100.0	3.7	48.9	33.0	4.8	9.6
North Carolina	69	444	100.0	57.5	9.5	29.0	2.0	2.0
South Carolina	30	246	100.0	75.2	3.3	19.9	0.0	1.6
Tennessee	39	261	100.0	46.3	11.1	21.1	0.0	21.5
Virginia	71	412	100.0	47.3	10.7	40.5	0.5	1.0
Region	582	4,323	100.0	50.4	18.6	19.4	2.3	8.1

Source: Questionnaire.

departments, approximately 90 percent were radio-equipped (see Table 26). At least 85 percent of the automobiles contained two-way radios in all states except Arkansas (73.3 percent) and Kentucky (49.5 percent), and in two states--Florida and South Carolina--more than 95 percent of the automobiles had radios.

Table 26
PROPORTION OF SHERIFFS' AUTOMOBILES WITH RADIOS,
BY STATE, ELEVEN SOUTHERN STATES, 1967

State	Number of Sheriffs Reporting	Percent of Cars With Radios
Alabama	44	92.3
Arkansas	48	73.3
Florida	56	96.0
Georgia	67	87.5
Kentucky	77	49.5
Louisiana	44	92.5
Mississippi	37	89.4
North Carolina	69	94.8
South Carolina	30	99.2
Tennessee	39	88.9
Virginia	71	86.9
Region	582	88.9

Source: Questionnaire.

Radio linkage between individual sheriff's departments and one or more other law enforcement agencies was common to all but 7.9 percent of the departments possessing two-way radio systems. However, the interrelationships shown in Table 27 varied significantly among sheriffs and among states. For example, less than 7 percent of Alabama's sheriffs reported that their system was linked with other sheriffs' departments. At the opposite extreme, almost 69 percent of Louisiana sheriffs reported such linkage. Radio linkage with municipal police departments varied from a

little more than 15 percent in Georgia to slightly in excess of 63 percent in South Carolina, and linkage with state police or highway patrols ranged from 0.0 percent in South Carolina to approximately 95 percent in Mississippi.

Table 27

RADIO LINKAGE BETWEEN SHERIFFS' DEPARTMENTS
AND SELECTED POLICE AGENCIES, BY STATE
ELEVEN SOUTHERN STATES, 1967

State	Number of Sheriffs Reporting	Percent Linked			Percent Not Linked
		Other Sheriffs' Departments	Municipal Police Department	State Police Agencies	
Alabama	44	6.8	20.4	84.1	6.8
Arkansas	48	25.0	39.6	56.2	8.3
Florida	56	51.8	26.8	50.0	7.1
Georgia	66	15.1	15.1	89.4	3.0
Kentucky	58	29.3	60.3	34.5	8.6
Louisiana	45	68.9	28.9	93.3	0.0
Mississippi	38	26.3	50.0	94.7	0.0
North Carolina	70	24.3	61.4	34.3	14.3
South Carolina	30	16.7	63.3	0.0	23.3
Tennessee	38	52.6	52.6	39.5	7.9
Virginia	67	52.2	43.3	26.9	9.0
Region	560	33.7	41.2	54.6	7.9

Note: Because of multiple responses, totals exceed 100 percent.

Source: Questionnaire.

Criminal Investigation

Sheriffs, like other police officers, normally are responsible for crime prevention and control within their respective jurisdictions.¹⁷

¹⁷Exceptions include those sheriffs who, by statute, have been relieved of law enforcement responsibilities, as well as those sheriffs who are located in counties having independent, countywide police agencies or consolidated city-county governments.

As a result they not only are expected to preserve the peace and to make road patrols but also to investigate crimes and criminal activities.

Investigatory Patterns and Arrests. Table 28 indicates that 96 percent of all southern sheriffs responding to the questionnaire did, in fact, sometimes make criminal investigations in the unincorporated areas of their counties.¹⁸ The table, however, does not reveal the frequency,

Table 28

PROPORTION OF SHERIFFS MAKING CRIMINAL INVESTIGATIONS
IN UNINCORPORATED PORTION OF COUNTY, BY STATE AND
BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

State and County Population-Size Group	Number of Sheriffs Reporting	Percent Making Investigations
State		
Alabama	44	100.0
Arkansas	48	97.9
Florida	54	100.0
Georgia	66	95.4
Kentucky	76	88.2
Louisiana	46	95.6
Mississippi	38	100.0
North Carolina	71	98.6
South Carolina	30	96.7
Tennessee	37	91.9
Virginia	70	95.7
Population-Size Group		
250,000 and over	17	58.8
100,000 to 249,999	33	84.8
50,000 to 99,999	61	98.4
25,000 to 49,999	140	98.6
Less than 25,000	329	97.6
Region	580	96.0

Source: Questionnaire.

¹⁸Among the 4 percent who reported no criminal investigations, an independent, countywide police force was the most frequently cited primary source of investigation. The state police or highway patrol was the next most frequently cited primary source.

nature or extent of their investigatory activities. It is interesting to note that only in Kentucky did less than 90 percent of the total respondents indicate that they were concerned with investigation. From the table it seems clear that counties with large metropolitan or urban concentrations were less inclined to require the sheriff to make criminal investigations. Approximately 98 percent of the sheriffs in each of the lower three population groups reported that they made criminal investigations, while only 85 percent of the sheriffs in the 100,000-249,999 group and 59 percent of the sheriffs in the 250,000 and over group reported that they made investigations.

Interview findings corroborated the results of the questionnaires inasmuch as 94 percent stated that they investigate crimes which have been committed in rural areas. Of those sheriffs reporting that investigations were made, a little more than 95 percent said that all public offenses of which they had knowledge were usually investigated. The other 5 percent, as Table 29 shows, claimed that investigations were made only in instances in which a warrant had been issued.

Table 29

CIRCUMSTANCES UNDER WHICH CRIMINAL INVESTIGATIONS ARE MADE BY SHERIFFS' DEPARTMENTS IN UNINCORPORATED PORTION OF COUNTY, BY 1960 COUNTY POPULATION-SIZE GROUP, ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Sheriffs Responding		Percent Investigating Only When Warrant Issued	Percent Investigating All Known Public Offenses
	Number	Percent		
250,000 and over	8	100.0	12.5	87.5
100,000 to 249,999	22	100.0	4.5	95.5
50,000 to 99,999	37	100.0	8.1	91.9
25,000 to 49,999	42	100.0	2.4	97.6
Less than 25,000	44	100.0	2.3	97.7
All Groups Combined	153	100.0	4.6	95.4

Source: Interview.

One measure of police activity is arrests, especially felony arrests. The average (median) number of 1966 felony arrests per 1,000 population made by sheriffs and their deputies varied from state to state (see Table 30). In interpreting these data two things should be remembered: (1) the number of arrests is the result of both the degree of criminal activity in the county and the alertness of the sheriff's forces and (2) various sheriffs may have placed different interpretations upon what was meant by felony arrests.¹⁹

Table 30

NUMBER OF FELONY ARRESTS BY SHERIFFS PER THOUSAND POPULATION, BY STATE, ELEVEN SOUTHERN STATES, 1966

State	Number of Sheriffs Reporting	High	Low	Average ^a
Alabama	24	10.5	0.8	3.6
Arkansas	25	20.7	0.0	2.6
Florida	36	9.7	0.6	4.7
Georgia	47	40.2	0.7	4.9
Kentucky	59	13.5	0.2	2.6
Louisiana	32	15.7	0.8	3.2
Mississippi	29	24.5	0.1	1.4
North Carolina	43	12.3	0.0	2.5
South Carolina	17	11.6	0.6	2.3
Tennessee	22	24.3	0.3	2.9
Virginia	56	38.1	0.0	3.6
Region	390	40.2	0.0	3.1

^aMedian.

Source: Questionnaire.

Detective Division. Organized detective divisions, or at least the assignment of one or more men to perform detective functions regularly, existed in approximately one-third of the departments whose sheriffs

¹⁹ A felony usually is defined as an offense punishable by death or by confinement in the state penitentiary as opposed to the local jail.

reported criminal investigative activity (see Table 31).²⁰ That the table shows a strong relationship between county population size and the incidence of detective divisions is not surprising inasmuch as where there are heavy concentrations of population there is a tendency for increased crime. Larger counties, moreover, are more likely to possess the financial capacity to support a more specialized activity than are smaller counties.

Table 31
PROPORTION OF SHERIFFS' DEPARTMENTS HAVING DETECTIVE DIVISIONS, BY 1960 COUNTY POPULATION-SIZE GROUP, ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Responding ^a	Percent Having Detective Division
250,000 and over	8	100.0
100,000 to 249,999	22	95.4
50,000 to 99,999	38	39.5
25,000 to 49,999	42	14.3
Less than 25,000	45	2.2
All Groups Combined	155	32.9

^aExcludes sheriffs not making criminal investigations.
Source: Interview.

As shown in Table 32, the average (median) number of detectives per department having regularly assigned detectives also decreased as the county population decreased. For all county population groups combined the average number of detectives per department was four.

Investigative Aids. The effectiveness of a sheriff's department in apprehending law violators is dependent not only upon the number, quality

²⁰No information was gathered with respect to the degree of specialization of the division or to the nature and extent of the training received by deputies assigned to detective work.

Table 32
NUMBER OF DETECTIVES PER SHERIFF'S DEPARTMENT, BY 1960 COUNTY POPULATION-SIZE GROUP, ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Responding ^a	High	Low	Average ^b
250,000 and over	8	41.0	5.0	18.0
100,000 to 249,999	21	30.0	1.0	6.0
50,000 to 99,999	15	8.0	1.0	3.0
25,000 to 49,999	6	4.0	1.0	2.5
Less than 25,000 ^c	-	-	-	-
All Groups Combined	50	41.0	1.0	4.0

^aExcludes sheriffs not making criminal investigations.
^bMedian.

^cAlthough a few sheriffs in this category indicated that they had detective divisions, none reported the number of detectives assigned thereto.
Source: Interview.

and performance of its personnel but also upon the resources of modern criminal investigation which it possesses or which may be available to it. These resources include fingerprint files, crime laboratories, photographic equipment and laboratories, and facilities for communicating with other law enforcement agencies.

Table 33 reveals some very interesting facts about the maintenance of fingerprint files, as well as photographic and crime laboratories. For example, nearly 60 percent of the sheriffs responding to the questionnaire reported that they maintained a fingerprint file;²¹ a little more than 27

²¹Of these, 86.8 percent indicated that they routinely forwarded fingerprints to the Federal Bureau of Investigation and 80.1 percent stated that prints were forwarded to some state agency or identification bureau. It is interesting to note, however, that a little more than 10 percent of the sheriffs who reported the maintenance of fingerprint files indicated that they had no definite policy regarding persons to be fingerprinted.

Table 33

PROPORTION OF SHERIFFS' DEPARTMENTS MAINTAINING
SELECTED INVESTIGATIVE AIDS, BY STATE AND
BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

State and County Population-Size Group	Fingerprint File		Photo Equipment		Crime Lab	
	Number of Sheriffs Reporting	Percent Report- ing "Yes"	Number of Sheriffs Reporting	Percent Report- ing "Yes"	Number of Sheriffs Reporting	Percent Report- ing "Yes"
State						
Alabama	43	83.7	29	27.6	26	7.7
Arkansas	47	63.8	43	23.3	41	9.8
Florida	55	94.5	50	56.0	48	16.7
Georgia	65	32.3	61	19.7	60	1.7
Kentucky	76	34.2	68	8.8	67	3.0
Louisiana	44	81.8	37	62.2	37	16.2
Mississippi	37	51.3	32	18.7	31	0.0
North Carolina	68	57.3	58	29.3	57	10.5
South Carolina	30	76.7	26	38.5	25	4.0
Tennessee	37	45.9	36	19.4	36	2.8
Virginia	69	60.9	59	16.9	62	3.2
Population-Size Group						
250,000 and over	16	62.5	16	62.5	15	40.0
100,000 to 249,999	31	80.6	30	60.0	30	23.3
50,000 to 99,999	59	74.6	55	58.2	48	14.6
25,000 to 49,999	139	73.4	117	35.9	113	6.2
Less than 25,000	326	49.1	281	12.5	284	2.1
Region	571	59.7	499	27.4	490	6.7

Source: Questionnaire.

percent stated that they maintained photographic equipment; and slightly less than 7 percent indicated that they maintained a crime lab. On a state-by-state basis, the maintenance of fingerprint files ranged from 94.5 percent (Florida) to 32.3 percent (Georgia); the maintenance of photo labs varied from 62.2 percent (Louisiana) to 8.8 percent (Kentucky); and the maintenance of crime labs deviated from 16.7 percent (Florida) to 0.0 percent (Mississippi). Among all sheriffs the maintenance of photographic

and crime laboratories decreased as county population decreased. The pattern among population groups varied, however, with respect to the maintenance of fingerprint files.

Although 27 percent of the sheriffs responding to the questionnaire reported that their departments had a photographic laboratory, only 7.3 percent of the interviewed sheriffs sometimes making criminal investigations reported the possession of such a facility.²² Both cameras and a darkroom were reported by 12.1 percent of the interviewed sheriffs; two or more cameras (but no darkroom) were reported by 23.0 percent; and a single camera only was reported by 31.5 percent. More than one-fourth (26.1 percent) of the interviewed sheriffs reported that they possessed no cameras or other photographic equipment. As would be expected, the possession of darkrooms and laboratories was directly related to county population size. No county with a population of less than 50,000 persons had a photo lab and fewer than 10 percent of those with populations of less than 100,000 possessed darkrooms.

The possession of selected laboratory equipment among interviewed sheriffs whose departments make criminal investigations is presented in Table 34. Of particular significance is the fact that only a few sheriffs' departments possessed the resources consistent with modern criminal investigation. It should be noted, however, that all sheriffs who possessed no laboratory equipment themselves reported that the facilities and services of a crime laboratory were available to them through either a state agency and/or the Federal Bureau of Investigation. No information was gathered

²²The questionnaire did not define what was meant by a photographic or crime laboratory. Thus some sheriffs may have indicated that they maintained labs when in fact, they possessed only minimal facilities (cf. Table 34).

Table 34

POSSESSION OF SELECTED LABORATORY EQUIPMENT, BY SHERIFFS' DEPARTMENTS, BY 1960 COUNTY POPULATION-SIZE GROUP, ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Responding	Percent of Number Responding			
		Polygraph	Equipment for Ballistic Exams	Equipment for Microscopic Exams	Equipment for Chemical Analyses
250,000 and over	8	50.0	25.0	37.5	12.5
100,000 to 249,999	22	31.8	9.1	18.2	18.2
50,000 to 99,999	38	21.0	2.6	5.3	2.6
25,000 to 49,999	42	9.5	0.0	0.0	2.4
Less than 25,000	44	2.3	2.3	0.0	0.0
All Groups Combined	154	15.6	3.9	5.8	4.5

Source: Interview.

concerning the frequency with which sheriffs actually requested the use of such services and facilities. Moreover, no information was gathered relative to the number, kinds and training of personnel using criminal investigative aids in those departments possessing such aids.

Inasmuch as rural crime is not restricted to rural dwellers but often is precipitated by the "professional" criminal, it is essential that sheriffs' departments which are genuinely interested in controlling crime and apprehending violators have some means of intercounty and interregional communication. Radio linkage between various law enforcement agencies has been discussed previously in connection with road patrol. Here, however, it is appropriate to examine other types of communication used by sheriffs' departments. Among the sheriffs responding to the questionnaire, a very small percentage reported the possession of teletype transmitters or receivers (see Table 35). For example, in five states (Arkansas, Georgia, Kentucky, Mississippi and Tennessee) no sheriff reported the possession of

Table 35

PROPORTION OF SHERIFFS' DEPARTMENTS POSSESSING TELETYPE EQUIPMENT, BY STATE, ELEVEN SOUTHERN STATES, 1967

State	Teletype Transmitter		Teletype Receiver	
	Number of Sheriffs Reporting	Percent with Transmitter	Number of Sheriffs Reporting	Percent with Receiver
Alabama	40	15.0	42	16.7
Arkansas	47	0.0	46	0.0
Florida	56	32.1	56	32.1
Georgia	64	0.0	64	0.0
Kentucky	71	0.0	70	0.0
Louisiana	46	50.0	46	50.0
Mississippi	38	0.0	38	0.0
North Carolina	66	0.0	61	1.6
South Carolina	30	73.3	29	75.9
Tennessee	37	0.0	36	0.0
Virginia	71	12.7	70	15.7
Region	566	13.8	558	14.7

Source: Questionnaire.

either a teletype transmitter or receiver; in one additional state (North Carolina), no sheriff reported a transmitter and only 1.6 percent reported a receiver. Among those sheriffs' departments which did not possess their own teletype equipment, more than half (53.4 percent) reported that teletype facilities were not readily available to them from any other source. The remaining 47.6 percent indicated that teletype was available to them through municipal police departments, state police and highway patrol agencies, or some other source.

Among the more recent developments in police communications is the Law Enforcement Teletypewriter Service (LETS) designed to link police agencies throughout the United States. The type of information transmitted via LETS includes bulletins on stolen property, missing persons, criminal descriptions

and so forth. Of the interviewed sheriffs only 14.6 percent indicated that their departments participated in LETS. Total lack of participation was reported by sheriffs in Arkansas, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee and Virginia. In South Carolina, on the other hand, 80 percent of the interviewed sheriffs reported participation. The overall low level of participation in LETS probably is due to the newness of the facility.

Another recent development in law enforcement work is the use of computers or electronic data processing equipment.²³ Among interviewed southern sheriffs, only 12.7 percent reported that they had access to computer facilities and less than 5 percent reported that the computer was part of any statewide, regional or national system. Not surprisingly, computer use was found primarily among departments located in populous counties.

Traffic Regulation and Accident Investigation

In addition to preservation of the peace, patrol, and criminal investigation, sheriffs' departments sometimes concern themselves with traffic regulation and accident investigation. As countywide law enforcement agencies, their jurisdiction is not limited to county roads but extends also to state highways and to municipal streets.²⁴ Neither the questionnaire

²³Of special interest is the computerized operation of the Federal Bureau of Investigation's National Crime Information Center (NCIC) which allows any law enforcement agency having a terminal to participate in the national inquiry file. Items in the file include information on stolen property and wanted persons.

²⁴The extent to which sheriffs' departments actively engage in traffic regulation and accident investigation will depend in large measure on their relationships, either formal or informal, with the state police or highway patrol, with municipal police departments and with any countywide police agencies which exist.

nor the interview inquired into traffic regulation and control, but it may be assumed that sheriffs' departments sometimes enforce traffic laws in varying degrees upon those roads over which they maintain patrols. (See Table 19 for an indication of patrol practices.)

Approximately 45 percent of the interviewed sheriffs reported that their departments did not engage in traffic accident investigation (see Table 36).²⁵ On the other hand, 49 percent indicated that they sometimes

Table 36

TRAFFIC ACCIDENT INVESTIGATIONS CONDUCTED BY SHERIFFS' DEPARTMENTS, BY STATE, ELEVEN SOUTHERN STATES, 1967

State	Number of Sheriffs Responding	Percent Making Investigations				Percent Not Making Investigation
		County Rural Roads	State Rural Highways	City Streets	Inter-state Highways	
Alabama	15	33.3	26.7	33.3	6.7	53.3
Arkansas	15	93.3	80.0	26.7	40.0	6.7
Florida	15	46.7	46.7	26.7	40.0	53.3
Georgia	15	73.3	73.3	40.0	20.0	26.7
Kentucky	15	53.3	46.7	26.7	20.0	46.7
Louisiana	15	6.7	6.7	6.7	0.0	86.7
Mississippi	15	93.3	86.7	60.0	20.0	6.7
North Carolina	15	26.7 ^a	20.0	0.0	13.3	53.3
South Carolina	15	13.3	6.7	0.0	0.0	80.0
Tennessee	15	73.3	66.7	46.7	53.3	26.7
Virginia	15	26.7 ^a	40.0	0.0	6.7	60.0
Region	165	49.1	45.4	24.2	20.0	45.4

Note: Because of multiple responses, totals exceed 100 percent.

^aAll roads in North Carolina and essentially all roads in Virginia are under the control of the state; however, sheriffs apparently are able to distinguish between state roads and county roads under state control.

Source: Interview.

²⁵For information concerning the sheriff's role in regard to traffic accident investigation, see Russell J. Arend, Traffic Accident Investigation Responsibilities of County Law Enforcement Agencies, condensed from a thesis for the degree of Master of Science, Michigan State University and printed by the Automotive Safety Foundation, Washington, D.C., 1967.

investigated accidents occurring on county rural roads and 45 percent reported accident investigations on state rural highways. Only 20 percent reported investigations on the interstate system and 24 percent on city streets. Apparently a greater percentage of sheriffs in Arkansas and Mississippi engage in accident investigation than those in any of the other southern states. Louisiana sheriffs reported the lowest level of participation.

Records

The kinds of records maintained and the extent to which they are kept are indications of a sheriff's attitude toward criminal work.²⁶ Of course, records also reflect the size, duties and resources of each department.

Among sheriffs responding to the questionnaire, approximately 70 percent reported that they kept a record of each "known" crime committed in their counties whether an arrest followed or not (see Table 37).²⁷ While the practice varied from state to state, e.g. 92 percent of Florida sheriffs reported such records as compared to only 53 percent of Kentucky sheriffs, there were no significant differences between county population groups. Table 38 illustrates, however, that there was a definite relationship between county population size and the percentage of sheriffs who kept arrest records. In each population group there were a significant number of sher-

²⁶ Records considered in this survey were limited to those relating to law enforcement and criminal activity. A variety of other records, however, are essential if the department is to carry on effectively its day-to-day operations and if the sheriff is to have adequate information to enable him to make sound administrative decisions, to manage fiscal affairs efficiently, to measure accomplishments and failures realistically, and to inform the public of departmental activities.

²⁷ Scattered evidence seems to indicate, however, that such records are not detailed in many jurisdictions.

Table 37

PROPORTION OF SHERIFFS' DEPARTMENTS MAINTAINING CRIME RECORDS, BY STATE, ELEVEN SOUTHERN STATES, 1967

State	Number of Sheriffs Reporting	Percent Recording All Known Crimes
Alabama	43	72.1
Arkansas	44	70.4
Florida	50	92.0
Georgia	62	62.9
Kentucky	74	52.7
Louisiana	46	82.6
Mississippi	37	67.6
North Carolina	71	77.5
South Carolina	30	70.0
Tennessee	34	67.6
Virginia	66	63.6
Region	557	70.0

Source: Questionnaire.

iffs who recorded the type of offense causing the arrest but who did not record what finally happened to the person arrested. On an individual basis (not shown in the table), Arkansas and Florida were the only states in which all sheriffs reported that their arrest records showed both the nature of the offense and the disposition of the case.

Table 38

PROPORTION OF SHERIFFS KEEPING ARREST RECORDS SHOWING TYPE OF OFFENSE AND CASE DISPOSITION, BY 1960 COUNTY POPULATION-SIZE GROUP, ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Responding	Percent Recording Type of Offense	Percent Recording Disposition of Case
250,000 and over	12	100.0	91.7
100,000 to 249,999	27	88.9	81.5
50,000 to 99,999	39	97.4	79.5
25,000 to 49,999	42	92.9	71.4
Less than 25,000	45	77.8	60.0
All Groups Combined	165	89.7	73.3

Source: Interview.

In response to an open-ended question as to the kinds of law enforcement records kept, 56 percent of the interviewed sheriffs reported that a complaint records file was maintained; 61 percent reported the existence of investigation records; and 7 percent reported keeping stolen property records. Less than 5 percent reported the maintenance of records on wanted or missing persons, previous offenders or criminal histories.

While 80 percent of the interviewed sheriffs expressed the opinion that the records system of law enforcement officers should be standardized throughout their respective states, there was almost total agreement that this represented a difficult, if not impossible, goal to achieve. Diversity of operation and cost of installation and maintenance were the two most frequently stated barriers to standardized systems.

Judicial Administration

The southern sheriff plays an important role in the administration of justice, for it is he who acts as executive officer of the state's courts²⁸ and as the server of process in both civil and criminal proceedings.²⁹ Generally speaking, he serves all "courts of record" within his county and he may serve "courts not of record" under certain circumstan-

²⁸With the exception of federal courts, all courts are part of the state judicial hierarchy. Some courts, however, are commonly viewed as, "county" courts rather than "state" courts.

²⁹Civil proceedings relate to suits or actions in law or equity brought by one individual against another individual, while criminal proceedings relate to actions brought by the state against persons accused of an offense against the peace and order of the state.

ces.³⁰ He normally does not serve municipal courts.

Executive Officer of the Courts

As executive officer of the courts, the sheriff is required to perform a variety of tasks and to serve as the means by which the judgments of the court are enforced. It is his duty, either in person or by deputy, to attend upon all terms of the several courts held in his county and to preserve order and to carry out directives of the court. With few exceptions, he is responsible for furnishing necessary bailiffs, summoning witnesses, summoning jurors and providing meals and lodging when jurors are kept overnight. It is his duty to enforce the presence of the defendant when such presence is required in court. He may be required to open court and, under certain circumstances, to adjourn court. Upon completion of the court proceedings, he must execute all orders, judgments, processes and decrees which are directed to him.

All of the interviewed sheriffs reported that they gave full cooperation and assistance to the courts which they served and only a few (15 percent) reported that they experienced problems in their relationships with either courts or prosecuting attorneys. Where problems were reported, they reflected conflicting viewpoints about what constitutes justice rather than conflicts as to the role of the sheriff as executive officer of the courts. For example, the most frequently cited problem was that the courts were too lenient in their dealings with law violators. Some sheriffs felt

³⁰"Courts of record" generally are defined as those courts which keep permanent accounts of their proceedings and which are empowered to levy contempt citations. Justice of the peace courts normally are not courts of record, but in some states they have been designated as such by legislative enactment.

It should be recognized that court systems vary from state to state and the situation is made even more confusing by the different names which various states apply to courts that perform essentially the same functions.

that their efforts in apprehending criminals and in collecting evidence and conducting investigations were futile in too many instances.

Service and Return of Process

Process, or the issuance of a writ, is the means by which a cause of action or legal proceeding is inaugurated. It is also the means by which such proceeding is continued and by which the successful party realizes the results of the litigation. The following list is but illustrative of the various processes which the sheriff is expected to serve and to make proper return: writs of arrest, summonses, subpoenas, writs of attachment, writs of execution, and writs of garnishment.

While the service and return of process is an important and time-consuming function in all sheriffs' departments (in some, it is practically the only function performed),³¹ this study made no attempt to examine the various state provisions relating to it. The study did attempt, however, to ascertain both the number of civil processes and the number of criminal processes served by sheriffs' departments during calendar year 1966. Unfortunately less than one-half of the interviewed sheriffs were able to estimate--even approximately--the number of papers served by type of proceeding. Therefore, about all that can be concluded from the interview data is (1) that the volume of process increases as the county population increases and (2) that civil process is much more voluminous than is criminal process.

³¹The civil sheriff of Orleans Parish, Louisiana, for example, acts as the executive officer of, and process server for, the civil district court. The criminal sheriff performs the same function with respect to the criminal district court. While the civil sheriff serves as an officer of absentee voting and while the criminal sheriff administers the parish prison, neither sheriff functions as a law enforcement officer.

Jail Administration

In the South, as in other regions of the United States, the county normally provides a jail for the detention of (1) persons committed under criminal process and awaiting trial, (2) persons already convicted of a crime and held under sentence of a court,³² and (3) persons detained as witnesses or held under civil process. Maintenance and repair of the jail is the responsibility of the county governing body; but the care and custody of prisoners is the responsibility of the sheriff who is designated as the "keeper" of the jail in each of the eleven southern states except Kentucky.³³ Among the ten states in which the sheriff is the lawful keeper of the county jail, approximately 95 percent of the sheriffs responding to the questionnaire reported that they did in fact operate the jail. The remaining 5 percent indicated that county prisoners were housed in the jail of some other county or city under some sort of contractual arrangement. Instances in which this arrangement occurred were reported in Arkansas, Georgia, North Carolina, South Carolina and Virginia.

³²Ordinarily persons serving sentences in jail have been convicted of a misdemeanor, for felons normally are sentenced to the state penitentiary. Jail sentences are usually of short duration, normally for less than six months.

In North Carolina, county jails usually are used only for persons detained for trial inasmuch as misdemeanants are sentenced to other institutions. See Task Force on Corrections, The President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Corrections (Washington, D.C.: U.S. Government Printing Office, 1967), p. 166.

³³In Kentucky there is an elected jailer in each county except Jefferson County (Louisville). In that county, the sheriff is required to serve as jailer.

There are some counties in North Carolina in which local acts have authorized the County Commissioners to appoint a jailer. In these counties, the sheriff is relieved of his jail-keeping responsibilities.

Facilities and Personnel

County jails frequently are located in the county courthouse and, all too often, jails are old and obsolete. Among those sheriffs responding to the questionnaire, 6 percent reported that the county jail now being used was constructed prior to 1900; and another 21 percent reported the construction date to be between 1900 and 1925.³⁴ The size of the jail varied from a capacity of only one person (strictly an overnight lockup) to a capacity of nearly 850 persons. Table 39 shows the average (median) capacity per

Table 39
CAPACITY OF SHERIFF-OPERATED JAILS, BY STATE AND BY
1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

State and County Population-Size Group	Number of Sheriffs Reporting	Average ^a
State		
Alabama	37	55.0
Arkansas	41	20.0
Florida	44	78.0
Georgia ^b	55	32.0
Louisiana	40	41.5
Mississippi	32	40.0
North Carolina	54	36.0
South Carolina	25	50.0
Tennessee	26	40.5
Virginia	51	35.0
Population-Size Group		
250,000 and over	13	426.0
100,000 to 249,999	25	125.0
50,000 to 99,999	47	70.0
25,000 to 49,999	114	50.0
Less than 25,000	206	26.0
Region	405	40.0

^aMedian capacity per jail.

^bSheriffs in Kentucky do not serve as jailers except in Jefferson County.

Source: Questionnaire.

³⁴The oldest jail currently in use was constructed in 1808.

jail, by state and by county population size; and Table 40 shows the median 1966 average daily population per jail. While a comparison of the data contained in these two tables³⁵ reveals that, on the whole, jails were not crowded, there were numerous instances in which individual jails were very much overcrowded. Apparently drunkenness contributed

Table 40
AVERAGE DAILY POPULATION OF SHERIFF-OPERATED JAILS,
BY STATE AND BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1966

State and County Population-Size Group	Number of Sheriffs Reporting	Average ^a
State		
Alabama	31	18.0
Arkansas	22	8.5
Florida	41	41.0
Georgia ^b	40	6.5
Kentucky		
Louisiana	35	15.0
Mississippi	23	11.0
North Carolina	35	15.0
South Carolina	18	13.5
Tennessee	20	15.0
Virginia	46	15.0
Population-Size Group		
250,000 and over	15	249.5
100,000 to 249,999	23	96.0
50,000 to 99,999	42	30.0
25,000 to 49,999	88	16.5
Less than 25,000	143	7.0
Region	311	15.0

^aMedian average daily population per jail.

^bSheriffs in Kentucky do not serve as jailors except in Jefferson County.

Source: Questionnaire.

³⁵It should be noted that Table 39 is based on 405 responses while Table 40 is based on only 311 responses.

significantly to the jail population.³⁶

Although the sheriff is the keeper of the jail, he frequently delegates the duties of jailer to a deputy or other person. In fact Table 41 reveals that less than one-fifth (18.1 percent) of the sheriffs responding to the questionnaire personally served as jailer. The table shows, moreover, that differences among states were significant. For example, 49 percent of Georgia's sheriffs personally served as jailer, while 8 percent or less of the sheriffs in Florida, Louisiana and South Carolina acted in

Table 41

PROPORTION OF SHERIFFS OPERATING JAILS WHO PERSONALLY SERVE AS JAILER, BY STATE, ELEVEN SOUTHERN STATES, 1967

State	Number of Sheriffs Reporting	Percent Serving as Jailer
Alabama	39	25.6
Arkansas	42	47.6
Florida	50	8.0
Georgia	61	49.2
Kentucky ^a		
Louisiana	44	2.3
Mississippi	32	12.5
North Carolina	61	13.1
South Carolina	25	4.0
Tennessee	29	27.6
Virginia	54	16.7
Region	437	18.1

^aSheriffs in Kentucky do not serve as jailers except in Jefferson County.

Source: Questionnaire.

³⁶Total jail admissions and admissions for drunkenness were requested in the questionnaire. The fact that sheriffs in some instances apparently reported arrests rather than admissions made it impossible to determine the average number of either total admissions or drunkenness admissions. The figures reported, however, clearly indicated that admissions for drunkenness were not inconsequential.

that capacity. Although it is not shown in this table, either the sheriff or his deputy maintained a residence in the jail in 53 percent of the counties whose sheriffs responded to the questionnaire. This practice was much more common in rural than in urban counties.

In large counties, particularly those in which employees of the sheriff's department are under a civil service system, jails frequently are staffed with a variety of full-time custodial personnel--jailers, guards, and so on. Most counties, however, serve populations of less than 100,000 persons. In these counties, and especially in counties of less than 50,000 persons, it is not uncommon to find jails operated by a sheriff or jailer, his wife, and an occasional deputy-guard. The number of full-time jail employees reported by sheriffs responding to the questionnaire is set out in Table 42.³⁷ The fact that the average (median) number of full-time jail employees increases as county population size increases is not unexpected inasmuch as the median average daily jail population also increases with increasing county population.

Nearly two-thirds (64.1 percent) of the interviewed sheriffs reported that none of their jail employees had received special custodial training (see Table 43). In about 16 percent of the cases, the sheriff reported that one or more of his jail employees had received training through schools conducted by the Federal Bureau of Prisons; in 15 percent of the cases, training had been provided through some other agency; and in 5 percent of the cases training had been provided through both the Federal Bureau of Prisons and some other agency. Obviously, training is more frequent in large counties than in small. Among the states, the percentage

³⁷The use of part-time employees was an infrequently reported practice among responding sheriffs.

Table 42

NUMBER OF FULL-TIME EMPLOYEES IN SHERIFF-OPERATED JAILS,
BY STATE AND BY 1960 COUNTY POPULATION-SIZE GROUP
ELEVEN SOUTHERN STATES, 1967

State and County Population-Size Group	Number of Sheriffs Reporting	High	Low	Average ^a
State				
Alabama	38	36.0	0.0	3.0
Arkansas	32	13.0	0.0	1.0
Florida	51	150.0	1.0	5.0
Georgia	45	69.0	0.0	2.0
Kentucky ^b				
Louisiana	39	97.0	1.0	2.0
Mississippi	31	20.0	1.0	2.0
North Carolina	60	22.0	0.0	2.5
South Carolina	20	12.0	0.0	1.0
Tennessee	25	41.0	1.0	2.0
Virginia	53	17.0	1.0	4.0
Population-Size Group				
250,000 and over	15	150.0	11.0	37.5
100,000 to 249,999	29	28.0	2.0	9.0
50,000 to 99,999	49	12.0	1.0	4.0
25,000 to 49,999	118	20.0	0.0	3.0
Less than 25,000	185	8.0	0.0	2.0
Region	396	150.0	0.0	3.0

^aMedian.

^bSheriffs in Kentucky do not serve as jailers except in Jefferson County.

Source: Questionnaire.

of interviewed sheriffs reporting that some of their jail employees had received custodial training varied from 80 percent in Florida to only 13 percent in Mississippi. The nature and extent of the training was not reported.

Care and Feeding of Prisoners

The sheriff not only is responsible for seeing that prisoners committed to his custody do not escape, but he also is responsible for their

Table 43

CUSTODIAL TRAINING POSSESSED BY EMPLOYEES IN SHERIFF-OPERATED JAILS,
BY 1960 COUNTY POPULATION-SIZE GROUP, ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Sheriffs Responding		Percent With Some Employees Having Training (By Source of Training)			Percent with no Employees Having Training
	Number	Percent	Federal Bureau of Prisons	Other Agency	Both	
250,000 and over	11	100.0	81.8	9.1	9.1	0.0
100,000 to 249,999	24	100.0	37.5	25.0	12.5	25.0
50,000 to 99,999	34	100.0	11.7	26.5	5.9	55.9
25,000 to 49,999	38	100.0	2.6	10.6	0.0	86.8
Less than 25,000	38	100.0	0.0	5.3	2.6	92.1
All Groups Combined	145	100.0	15.9	15.2	4.8	64.1

Source: Interview.

safety and well-being and is subject to fine, imprisonment and/or removal if he maltreats or fails to protect any prisoner. He is required to provide adequate food and drink daily, to furnish sufficient and clean bedding, to maintain heat and lights, and to keep the jail in a clean and sanitary condition. While southern states frequently require the grand jury, county governing body or some other local officer or board to inspect the jails, only a few have authorized a state agency to set standards for jail operation and to make inspections to see that standards are maintained.³⁸ Where a county jail is used by the federal government for housing its prisoners through a contractual arrangement, the federal

³⁸The following is a list of states and agencies which are authorized to establish jail standards and to make inspections: Alabama, Board of Corrections and Institutions; Florida, Division of Corrections; North Carolina, Board of Public Welfare; and Virginia, Department of Welfare and Institutions.

government requires that certain standards be maintained. All southern states have enacted legislation requiring separate cells for male and female prisoners and for prisoners of different races. Apparently, however, segregation of prisoners by race is unconstitutional.³⁹

All sheriffs keeping jails are required to provide medical care for prisoners. In some states the sheriff is required to summon a physician if he has reasons to believe a prisoner needs medical attention; in other states the sheriff and/or county governing body may appoint a physician to serve the prisoners; and in still other states the sheriff may call upon the county health officer to care for a sick prisoner. The cost of providing medical care is a county expense.

Sheriffs traditionally have received an allowance from the state and/or county to cover the cost of feeding prisoners.⁴⁰ While the practice of allowing the sheriff (or jailer) a specific sum of money per day, or per meal, has long been recognized as being subject to abuse and as working in favor of sheriffs with substantial numbers of prisoners, this practice is quite common in all southern states except Florida and Virginia (see Table 44).⁴¹ Nearly all Florida sheriffs (and apparently some sheriffs in each state) feed prisoners out of funds budgeted for that purpose rather than from a specific allowance per prisoner. Virginia sheriffs,

³⁹On March 11, 1968, the United States Supreme Court upheld an order requiring desegregation of all Alabama prisons and jails. Lee v. Washington 88 S.Ct. 994 (1968).

⁴⁰Where county jails are used to house municipal or federal prisoners, payment is received from the municipality or the federal government.

⁴¹The fact that the method of payment for feeding prisoners was reported to vary within each state may be the result of local acts of the legislature, of variances between statutory provisions and actual practice, or of inaccurate reporting by some of the sheriffs.

Table 44

PROPORTION OF SHERIFFS RECEIVING PER-DIEM OR PER-MEAL PRISONER FEEDING ALLOWANCE, BY STATE
ELEVEN SOUTHERN STATES, 1967

State	Number of Sheriffs Reporting	Percent Receiving Allowance
Alabama	39	94.9
Arkansas	43	93.0
Florida	47	10.6
Georgia	62	69.3
Kentucky ^a		
Louisiana	46	95.6
Mississippi	33	93.9
North Carolina	55	69.1
South Carolina	26	69.2
Tennessee	32	87.5
Virginia	45	31.1
Region	428	69.7

^aSheriffs in Kentucky do not serve as jailors except in Jefferson County.

Source: Questionnaire.

on the other hand, are required to purchase food at the lowest possible cost and to submit all accounts and invoices to their county governing boards for approval and payment.⁴² In those states where a fixed allowance per prisoner was reported by more than 85 percent of the responding sheriffs, the per-diem payments set by general law were as follows: Alabama, \$0.90; Arkansas, \$2.00; Louisiana, \$1.25; Mississippi, \$1.50; and

⁴²Despite this requirement, 31 percent of the Virginia sheriffs responding to the questionnaire indicated that they were reimbursed on a per-diem or per-meal basis.

Tennessee, \$1.50, plus \$0.25 if certain records have been maintained.⁴³

In Georgia, North Carolina and South Carolina the amount and manner of payment apparently are left to the discretion of the local governing body or other authority which approves the sheriff's budget.⁴⁴ Thus the allowance varies from county to county.

Special Facilities and Programs

Placing road crews, work farms and rehabilitation units under the supervision of the sheriff apparently is not common in the South. Among those 146 interviewed sheriffs who reported that they were responsible for operating the county jail, only a little more than 10 percent indicated that they operated a road crew. Even fewer (2 percent) reported the operation of work farms or rehabilitation units.

Time off for good behavior, commonly referred to as "good time," is a practice whereby prisoners who maintain good conduct are rewarded with reduced sentences. The amount of the reduction (usually a fixed number of days per month) and the kinds of prisoners to whom it applies are established by statute in each state. Although there apparently was considerable confusion among interviewed sheriffs as to just where the authority to reduce sentences ultimately rested, it may be concluded that the sheriff or jailer maintains effective control insofar as prisoners confined

⁴³Because of local legislation or practices, some sheriffs may receive a different amount than that shown for their state. Moreover, the allowance may be paid per meal rather than per day in certain instances. Some sheriffs feeding prisoners under a per-diem or per-meal arrangement also receive an allowance for preparing and serving the food. Alabama sheriffs, for example, receive such an allowance based upon the number of prisoners.

⁴⁴Recently enacted legislation (1967) will bring about elimination of the per-diem system in all North Carolina counties, for sheriffs soon will be required to feed prisoners three meals per day as prescribed by the State Health Department.

in the county jail are concerned. This is true because the sheriff or jailer is the only person who is in a position to evaluate prisoner conduct and to make recommendations for sentence reduction to the courts or to other authorities.

When a person is sentenced to the county jail, the court sometimes provides that such person be released from confinement during certain hours in order that he may pursue private employment. Among interviewed sheriffs having responsibility for operating a county jail, slightly more than 14 percent reported a work-release program which permitted county prisoners to work at their regular places of occupation by day but to remain confined by night or on weekends. Excluding Kentucky where the sheriff serves as keeper of the jail only in Jefferson County, at least one instance of work release was reported in each of the states except South Carolina. Descriptions of the reported work-release programs make it obvious, however, that some sheriffs did not understand "work release." To the extent that this was so, the percentage is overstated.

Tax Collection

In early English history the sheriff acted as collector of taxes for the Crown. When the office was transplanted to the American colonies, the sheriff retained the role of tax collector. With the passage of time, however, the responsibility for collecting taxes was gradually assigned to a separate officer. Today only five of the eleven southern states authorize all, or part, of their sheriffs to collect state and local property taxes. These states are: Arkansas, Kentucky, Louisiana, Mississippi and North Carolina.

In Arkansas the sheriff is responsible for collecting state and local

taxes unless otherwise provided by law. At the present time (1968) he performs this function in 59 of the state's 75 counties. Kentucky sheriffs, by virtue of their office, serve as collectors of state, county and district taxes unless some other officer is specifically designated as tax collector by the legislature. Apparently all sheriffs serve as tax collectors. Louisiana sheriffs are responsible for collecting state and county taxes in all parishes except Orleans (New Orleans). Mississippi sheriffs serve as ex officio tax collectors in all counties so far as state and county taxes are concerned.⁴⁵ In North Carolina sheriffs in only nine of the state's counties retain the role of state and local tax collector.⁴⁶

If the sheriff-tax collector is compensated by fees, he retains a percentage of the tax collections. If, however, he is compensated by means of a salary, the commission for collecting taxes is placed in the county general fund or in a special fund (e.g., the sheriff's salary fund in Louisiana).

Miscellaneous Functions

In addition to law enforcement, court services, jail operation and tax collection, sheriffs are assigned a variety of functions. For example, they normally are required (either personally or by deputy) to attend the meetings of their respective county governing bodies and to execute the

⁴⁵ A bill to separate the offices of sheriff and tax collector is pending before the 1968 Legislature. If the bill passes--and there is good reason to believe that it will--Mississippi sheriffs will become eligible to succeed themselves. Moreover, they will be taken off the fee system and placed on a salary.

⁴⁶ The nine are among the most sparsely populated counties in the state. Only 2 percent of the state's 1960 population resided in those counties.

orders of those bodies. Frequency of attendance at county governing board meetings by sheriffs responding to the questionnaire is shown in Table 45.

Table 45

FREQUENCY OF ATTENDANCE AT COUNTY GOVERNING BOARD MEETINGS
BY SHERIFFS AND/OR THEIR DEPUTIES, BY STATE,
ELEVEN SOUTHERN STATES, 1967

State	Sheriffs Reporting		Percent of Number Reporting				
	Number	Percent	Always	Usually	When Called	Infrequently	Never
Alabama	43	100.0	11.6	9.3	46.5	30.3	2.3
Arkansas	47	100.0	44.7	14.9	38.3	2.1	0.0
Florida	52	100.0	50.0	23.1	17.3	9.6	0.0
Georgia	64	100.0	17.2	14.1	45.3	17.2	6.2
Kentucky	73	100.0	43.8	26.0	21.9	6.9	1.4
Louisiana	46	100.0	13.0	26.1	39.1	21.8	0.0
Mississippi	37	100.0	64.9	16.2	16.2	2.7	0.0
North Carolina	72	100.0	20.8	33.4	34.7	9.7	1.4
South Carolina	30	100.0	10.0	10.0	70.0	10.0	0.0
Tennessee	37	100.0	59.5	13.5	16.2	8.1	2.7
Virginia	70	100.0	61.4	21.4	2.9	11.4	2.9
Region	571	100.0	36.4	20.3	29.8	11.7	1.8

Source: Questionnaire.

Attendance varied considerably among the states, but there were only isolated instances in which the sheriff reported that he or a deputy never attended meetings of the governing body. Overall, more than one-half of the reporting sheriffs indicated that they or a deputy usually or always attended such meetings. Nearly 30 percent, however, revealed that they attended only when they were specifically asked by the governing body;

and another 12 percent reported that they attended only infrequently.⁴⁷

Other functions frequently performed by southern sheriffs include serving as official custodian of the county courthouse, collecting delinquent taxes, selling property for nonpayment of taxes, transporting persons to mental hospitals, assisting at elections, and issuing licenses of various sorts.⁴⁸ If this list were expanded to include every function assigned to some sheriff somewhere in the South, it would contain literally hundreds of items--many of which are far removed from law enforcement.

Keeping the public informed of law enforcement needs, problems and accomplishments was considered by almost all of the interviewed sheriffs to be one of their more important miscellaneous functions. The types of public relations techniques and the extent of their use is presented in Table 46. In examining the table, two things are readily observable:

(1) newspaper releases, speaking engagements, and tours of jails and other departmental facilities are the most frequently used techniques of informing the public of sheriffs' activities; and (2) in the case of each technique, frequency of use generally decreases as county population decreases.

⁴⁷Since 81 percent of the sheriffs reported that they maintained their principal (if not sole) office in the county courthouse, the sheriff or his representative normally was readily accessible to the governing body. In only two states (Tennessee and Virginia) did more than 40 percent of the sheriffs report that their principal office was outside the courthouse. In two other states (Kentucky and Louisiana) all sheriffs reported their office to be in the courthouse; and in three states (Alabama, Arkansas and Mississippi), more than 90 percent of the sheriffs maintained their office in the courthouse. The jail was the second most popular location for the sheriff's office.

⁴⁸Collecting delinquent taxes and issuing licenses generally were reported by the sheriffs as miscellaneous functions rather than as parts of the tax-collecting function.

Table 46
USE OF SELECTED PUBLIC RELATIONS TECHNIQUES IN SHERIFFS' DEPARTMENTS,
BY 1960 COUNTY POPULATION-SIZE GROUP, ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Responding	Percent of Number Responding						
		Periodic Reports	News- Paper Releases	Speaking Engage- ments	Radio Programs	TV Programs	Brochures	Tours of Jail
250,000 and over	12	66.7	83.3	100.0	66.7	75.0	58.3	100.0
100,000 to 249,999	27	51.8	85.2	85.2	40.7	48.1	18.5	85.2
50,000 to 99,999	39	38.5	71.8	66.7	23.1	7.7	7.7	69.2
25,000 to 49,999	42	30.9	73.8	52.4	33.3	11.9	4.8	71.4
Less than 25,000	45	17.8	55.6	42.2	20.0	4.4	4.4	51.1
All Groups Combined	165	35.1	70.9	61.8	30.9	19.4	11.5	69.7
								16.4
								46.1

Source: Interview.

While not shown in the table, interview responses indicate that Kentucky sheriffs placed markedly less emphasis upon public relations than did sheriffs in the other states.

Relative Importance of Various Duties and Responsibilities

Although the state constitution and statutes serve as the primary determinant of what a sheriff in a particular state may or may not be expected to do, an analysis of these documents will not necessarily reveal what sheriffs actually do any more than examination of the Federal constitution and statutes will accurately describe the workings of the American national government. If the day-by-day activities of two sheriffs (in the same state and having the same statutory responsibilities) could be scrutinized, the observer would undoubtedly note significant differences in the way in which responsibilities are discharged and priorities assigned to various functions. To a great extent each sheriff will respond not only to the statutes but also to the common law, to past traditions and customs, and to environmental conditions such as the population, area and urban-rural status of the county; the situation with respect to the legal status of liquor, the local crime rate and similar factors; the informal relationships that exist with state and municipal law enforcement officers; and the pressures and complaints brought by the local citizenry. The ability of the sheriff to deal with his environmental demands will play a large part in determining his success or failure in office. One might argue, indeed, that the high responsiveness of sheriffs to the local situation is, perhaps, the best argument for the retention and strengthening of the office.

While it was not possible to obtain detailed data on all of the specific

tasks performed by each sheriff's department, it was possible to obtain estimates from respondent sheriffs as to the percentage of departmental time devoted to law enforcement, court services, jail duties, tax collection, traffic duties, and miscellaneous functions.⁴⁹ The data presented in Table 47 indicates that law enforcement duties accounted for the largest proportion of the total work load in all of the southern states except Kentucky. The percentages ranged from 69 in South Carolina to only 33 in Kentucky; but, overall, law enforcement accounted for about 50 percent of the total work load of sheriffs' departments. Except for the 25,000-49,999 county population group, the percentage of total work concerned with law enforcement decreased as county population size increased. This reflects the fact that in larger counties a greater proportion of the population usually resides within municipalities having their own police departments. It also reflects the existence of countywide police departments independent of the sheriff's department in some counties.

Table 47 also reveals some other interesting comparisons. Court services (including civil process) accounted for the second largest average percentage of departmental work in six of the eleven states (Alabama, Georgia, North Carolina, South Carolina, Tennessee and Virginia) and for the third largest percentage in each of the remaining states. These per-

⁴⁹ Jail duties and tax collection were not defined in the questionnaire, but law enforcement was defined as "including (but not limited to) apprehension and detention of law violators, prevention and suppression of crime, maintenance of the peace, and patrol." Traffic duties were defined as "including (but not limited to) control, direction and accident investigation." Court services were defined as "including (but not limited to) furnishing bailiffs, summoning jurors, and the service and return of process--both civil and criminal."

Since law enforcement and traffic duties are accounted for separately at this point, it should be noted that traffic regulation and accident investigation were discussed earlier in this chapter under the broad heading of law enforcement.

Table 47

FUNCTIONAL DISTRIBUTION OF WORK LOAD OF SHERIFFS' DEPARTMENTS,
BY STATE AND BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

State and County Population-Size Group	Average ^a Percent of Time Devoted to Each Function						
	Total	Law Enforce- ment	Traffic Duties	Court Services	Jail Duties	Tax Collection	Other Duties
State							
Alabama	100.0	50.3	9.6	20.1	17.2	0.5	2.3
Arkansas	100.0	46.6	8.9	9.7	7.1	25.9	1.8
Florida	100.0	59.9	9.5	12.8	15.2	0.2	2.4
Georgia	100.0	55.9	11.1	14.3	11.7	2.5	4.5
Kentucky	100.0	33.4	10.7	16.8	0.5	37.5	1.1
Louisiana	100.0	48.6	5.4	11.5	10.2	22.5	1.8
Mississippi	100.0	42.8	8.5	12.4	6.9	28.4	1.0
North Carolina	100.0	53.0	3.6	26.7	10.2	4.2	2.3
South Carolina	100.0	69.0	6.0	13.2	8.6	1.6	1.6
Tennessee	100.0	55.8	6.5	17.7	15.1	1.1	3.8
Virginia	100.0	51.4	5.3	28.7	12.4	0.5	1.7
Population-Size Group							
250,000 and over	100.0	30.8	7.2	28.9	27.1	1.9	4.1
100,000 to 249,999	100.0	44.1	4.7	25.6	13.7	10.0	1.9
50,000 to 99,999	100.0	48.8	5.8	21.5	9.8	11.4	2.7
25,000 to 49,999	100.0	51.1	6.2	18.9	11.0	10.4	2.4
Less than 25,000	100.0	51.0	9.2	14.7	8.4	14.8	1.9
Region	100.0	49.7	7.8	17.5	10.0	12.8	2.2

Note: The lowest level of response per state was 28.2 percent of the sheriffs.

^aMean.

Source: Questionnaire.

percentages varied from 29 percent in Virginia to only 10 percent in Arkansas. Among population groups the percentage of work involved with court services increased as population increased. Jail duties ranked third in six states (Alabama, Georgia, North Carolina, South Carolina, Tennessee and Virginia), fourth in one state (Louisiana), fifth in two states (Arkansas and Mississippi), and sixth in one state (Kentucky, where the sheriff is keeper of the jail in only one county). Among population groups the percentage of total work concerned with jail duties varied from 27 percent in counties with populations of 250,000 or more to only 8 percent in counties with populations of less than 25,000. Traffic duties, as a percent of total work load, ranked either fourth or fifth in each state and ranged from about 11 percent in Georgia and Kentucky to less than 4 percent in North Carolina. The distribution among population groups was erratic.

Finally, Table 47 shows that tax collection accounts for a significant portion of the total work load in those states where the sheriff serves as county tax collector in all, or most, of the counties: 38 percent in Kentucky, 28 percent in Mississippi, 26 percent in Arkansas and 23 percent in Louisiana. In North Carolina, where the sheriff serves as tax collector in only nine counties, tax collection was much less significant. The tax-collection percentages shown for other states usually represent instances in which sheriffs interpreted "tax collection" to mean collection of delinquent taxes.

In order to gain further insights into the relative importance of duties and responsibilities performed by sheriffs' departments, the 165 sheriffs interviewed as a part of this study were asked to estimate the percentage of total personnel time normally devoted to operations, admin-

istration and auxiliary duties.⁵⁰ Approximately 10 percent of those interviewed would not hazard an estimate, and the remaining 90 percent indicated that their estimate was not very precise. As a group, the average (mean) percent of total personnel time for each area of activity was as follows: operations, 67 percent; administration, 13 percent; and auxiliary duties, 20 percent. Variations among individual sheriffs, however, were considerable. For example some sheriffs reported operations to account for as much as 90 percent of their total personnel time. Similarly, administration ran as high as 40 percent and auxiliary duties as high as 60 percent.

⁵⁰"Operations" was defined as including patrol, investigations, traffic control, service of process, tax collection and so forth; "administration" was defined as including records keeping, budgeting, maintenance, and so forth; and "auxiliary duties" was defined as including jail administration, communications, court support, public relations, training and similar items.

Chapter V

STAFFING AND BUDGETARY RELATIONSHIPS

Since manpower and funds are essential to the effective operation of sheriffs' departments, an attempt has been made to discover the personnel practices of the various departments and the role which sheriffs play in the budgetary process. While no effort has been made to study the adequacy of these two elements of the administrative process, the study does present findings as to the law and practices of the departments with regard to the sheriffs' deputies, civilian employees and auxiliary personnel.¹ It also indicates the extent to which the sheriffs participate in the budgetary process.

Personnel

Personnel found in sheriffs' departments may be classified as either deputies or civilian employees. Deputies are persons who are required to take an oath of office and who are authorized to make arrests. All other persons are classified as civilians. In some departments, clerical employees are deputized even though they are not expected to engage in law enforcement activities.

Deputies

With few exceptions, such as the appointment of other deputies, deputies are empowered to perform the same duties as sheriffs. In fact, it is common

¹The types of internal organization employed by southern sheriffs is beyond the scope of this study. For a presentation of various organizational arrangements common to sheriffs' departments, see Everett M. King, Sheriffs' Manual (Washington, D. C.: National Sheriffs' Association, 1960), pp. 101-111.

for the courts to use the term "alter ego" in describing the deputy's relationship to the sheriff. Deputies may be employed on either a full-time or a part-time basis. In addition, "special deputies" may be appointed under certain conditions to perform a particular function or to act when problems of an unusual or short-term nature are encountered.

Relationship to Sheriff. Deputy sheriffs are agents of the sheriff, and he is generally responsible for their official conduct. The extent to which sheriffs are responsible is a matter which has been contested in hundreds of court cases throughout the southern states. While no absolute formula has been developed for determining legal responsibility, courts generally are in agreement that sheriffs and their sureties are civilly liable for any wrongful act (commission or omission) within the limits of the deputy's official duties.² Moreover, courts usually hold that sheriffs and their sureties also are civilly liable for a deputy's actions undertaken by "color of office", that is, actions taken under the pretext of office, thus becoming quasi official.³

Appointment, Term and Removal. In the South, as elsewhere, the power to appoint deputy sheriffs generally lies with the sheriff and usually must be exercised in writing and filed with the county governing body or some other body designated by statute.⁴ In some states--Kentucky, for example--

²In some instances the sheriff may be personally liable as well as liable on his bond. The sheriff normally is not liable criminally for his deputies' actions.

³It is difficult to generalize in this area, for statutory restrictions vary from state to state and, certainly, judicial precedents vary. Also, the distinction between acting by virtue of office and by color of office is extremely fine in some situations.

⁴By local acts the board of county commissioners in some North Carolina counties possesses the authority to appoint deputy sheriffs to serve at the board's pleasure. After appointment, however, these deputies serve as agents of the sheriff who is as responsible for their acts as he is for the acts of deputies he appoints himself. See James C. Harper, North Carolina Sheriffs' Manual (Chapel Hill: Institute of Government, University of North Carolina, 1964), p. 33, note 109.

appointments are subject to approval as provided by statute.⁵ If deputies are covered under civil service provisions, however, the sheriff's appointing power may be restricted.⁶ The proportion of sheriffs' departments having civil service coverage is set out in Table 48 for those sheriffs responding to the questionnaire. The table shows that civil service coverage was significant only in counties having populations in excess of 100,000. Even there, a decided differential existed between counties of less than 250,000 persons and counties with 250,000 or more persons.

Table 48

PROPORTION OF SHERIFFS' DEPARTMENTS POSSESSING CIVIL SERVICE COVERAGE, BY 1960 COUNTY POPULATION-SIZE GROUP, ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Reporting	Percent Having Civil Service Coverage
250,000 and over	17	47.1
100,000 to 249,999	32	18.5
50,000 to 99,999	60	6.7
25,000 to 49,999	136	5.1
Less than 25,000	317	2.2
All Groups Combined	562	5.7

Source: Questionnaire.

Nearly 17 percent of the sheriffs reported that deputy appointments were subject to approval by some authority, usually the county governing

⁵Deputy appointments in Kentucky must be approved by the county court, but approval is limited solely to the matter of qualifications and not personalities.

⁶For example, a few of the sheriffs responding to the questionnaire reported that appointments must be made from among either the top three or top five applicants ranked on the basis of examination scores.

body and/or the civil service board.⁷ In some instances sheriffs reported that appointments were subject to approval when the county governing body was required only to approve the number of deputies and/or their compensation and not to pass judgment upon the particular persons chosen by the sheriff. There also were some instances in which sheriffs did not indicate that approval was required inasmuch as such approval was limited only to qualifications and was considered to be perfunctory.

Generally speaking, a deputy's term of office ends at the same time the sheriff's term ends, except where deputies are covered under civil service. Deputies ordinarily serve at the pleasure of the sheriff, although they may be removed, under certain circumstances, by the courts or by some other authority. Where deputies are covered under civil service provisions, dismissal must be for cause and the deputy is entitled to notice and a hearing. Among those sheriffs responding to the questionnaire, 96 percent reported that they possessed sole authority to dismiss their deputies.

Recruitment. Statutory qualifications for deputy sheriff throughout the southern states are minimal, normally requiring only that the person to be appointed meet the general requirements of age, citizenship and residence prescribed for voting. There may be instances, however, in which residence in the county is not required.⁸ As of December 31, 1966, no southern state had enacted legislation providing any sort of statewide standards with respect

⁷Based on 581 questionnaire responses. Responses varied not only among states but also within particular states. Thus there may have been some confusion on the part of some of the respondents as to the proper interpretation of the question.

⁸Among the 165 interviewed sheriffs, approximately 13 percent reported that deputy applicants were not required to be residents of the county. A number of the sheriffs who reported the absence of a county residence requirement indicated, however, that political considerations kept them from actually appointing a deputy from outside the county.

to education, training and so forth.⁹ This statement does not mean, however, that sheriffs' departments (either by departmental regulations or civil service provisions) may not require that their deputies must meet certain requirements. That many departments do so is evidenced by Table 49.

The data contained in this table illustrate that there was wide variation among states with respect to the application of minimum deputy standards and testing. Among county population groups, however, the data clearly show that the employment of standards and testing procedures increased with population size. For example, nearly 69 percent of the responding sheriffs in counties with 1960 populations of 250,000 or more required deputies to pass a written examination, while less than 9 percent of the respondents did so in counties of less than 25,000 population. Overall, 48 percent of the respondents reported the establishment of some form of minimum deputy standards; 42 percent reported use of oral examinations; 41 percent used physical examinations; and nearly 17 percent employed written examinations.

As shown in Table 50, the percentage of sheriffs' departments having established age and educational requirements generally increased with county population size. Only 14 percent of all sheriffs interviewed required deputy applicants to be older than the statutory age of 21, and only a little more than one-third had established an upper age limit beyond which they refused to hire deputies. Finally, a little more than one-half (51 percent) required

⁹The 1967 Florida Legislature established a Florida Police Standards Council (Florida Statutes Annotated, Session Laws, 1967, Chap. 67-230). Under standards adopted by this council and put into effect October 20, 1967, all nonelected law enforcement officers throughout the state are obliged to meet requirements in addition to legal age and United States citizenship. Such officers must possess a high school diploma or its equivalent, never have been convicted of a felony or of a misdemeanor involving moral turpitude, never have received a dishonorable discharge from any of the armed forces, have successfully passed a prescribed physical examination, have passed a character reference check, and have filed their fingerprints with the Council.

Table 49
PROPORTION OF SHERIFFS' DEPARTMENTS REQUIRING DEPUTY APPLICANTS TO MEET SELECTED REQUIREMENTS,
BY STATE AND BY 1960 COUNTY POPULATION-SIZE GROUP, ELEVEN SOUTHERN STATES, 1967

State and County Population-Size Group	Minimum Standards		Written Examination		Oral Examination		Physical Examination	
	Number of Sheriffs Reporting	Percent Reporting "Yes"	Number of Sheriffs Reporting	Percent Reporting "Yes"	Number of Sheriffs Reporting	Percent Reporting "Yes"	Number of Sheriffs Reporting	Percent Reporting "Yes"
State								
Alabama	42	45.2	24	25.0	24	37.5	27	37.0
Arkansas	42	38.1	24	8.3	31	41.9	28	35.7
Florida	52	78.8	44	34.1	45	62.2	48	54.2
Georgia	61	39.3	52	13.5	52	38.5	53	34.0
Kentucky	71	19.7	48	4.2	53	15.1	52	15.4
Louisiana	43	69.8	32	12.5	33	48.5	42	76.2
Mississippi	30	43.3	24	4.2	29	41.4	25	8.0
North Carolina	60	61.7	40	32.5	45	62.2	44	47.7
South Carolina	26	53.8	17	5.9	21	47.6	21	66.7
Tennessee	33	21.2	21	19.0	21	28.6	20	25.0
Virginia	63	54.0	42	14.3	48	39.6	46	43.5
Population-Size Group								
250,000 and over	16	93.7	16	68.7	17	76.5	16	81.2
100,000 to 249,999	28	78.6	23	30.4	26	57.7	29	69.0
50,000 to 99,999	55	61.8	42	30.9	43	55.8	45	48.9
25,000 to 49,999	127	55.9	91	14.3	99	45.4	104	41.3
Less than 25,000	297	36.0	196	8.7	217	33.2	212	32.1
Region	523	47.6	368	16.6	402	42.0	406	40.9

Source: Questionnaire.

Table 50
PROPORTION OF SHERIFFS' DEPARTMENTS POSSESSING SELECTED AGE AND
EDUCATIONAL STANDARDS FOR DEPUTY APPLICANTS, BY 1960 COUNTY
POPULATION-SIZE GROUP, ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Responding	Percent Having Minimum Age Limit (Other than 21)	Percent Having Maximum Age Limit	Percent Requiring High School Education
250,000 and over	12	33.3	50.0	66.7
100,000 to 249,999	27	11.1	44.4	66.7
50,000 to 99,999	39	10.3	33.3	48.7
25,000 to 49,999	42	19.0	33.3	45.2
Less than 25,000	44	9.1	22.7	45.4
All Groups Combined	164	14.0	33.5	51.2

Note: One Mississippi sheriff who answered this question reported having no deputies and was not included in this tabulation.

Source: Interview.

applicants to possess a high school diploma or its equivalent. On a state-by-state basis (not shown in the table) variations were significant. For example, 87 percent of the sheriffs interviewed in Florida and Georgia required deputies to have a high school education. On the other hand, only 7 percent of Tennessee's sheriffs had such a requirement.

Since sheriffs are elected officials, it is not unreasonable to assume that many of the persons whom they appoint as deputies are individuals who were active in their political campaigns. This assumption does not imply that all appointments are political or that political appointments necessarily result in inferior deputies. Certainly able, trustworthy persons can be found in all political parties and/or factions if a sincere effort is made to do so. Among the interviewed sheriffs, nearly 85 percent stated that they relied on personal knowledge and friendships in filling vacant

deputy positions. The percent relying upon the mass news media--newspapers, radio and television--to attract deputy applicants was negligible. In very large counties where recruitment may be a real problem, the civil service system was the most frequently cited method of recruiting potential deputies. Even in large counties the percent of interviewees relying upon the mass media was less than the percent relying upon personal friendships. It would appear that in counties of less than 50,000 persons, deputy recruitment is limited almost exclusively to personal acquaintance.

Oath and Bond. In all southern states deputies are required to take and subscribe to an oath of office prior to entering upon the performance of their official duties.¹⁰ Although the wording varies from state to state, each oath contains a provision which pledges the deputy to faithfully discharge his duties. The oath must be taken at the time the deputy is originally appointed and at the beginning of each term of office.

Except for Kentucky, Mississippi, Tennessee and Virginia, state statutes require a deputy sheriff to give bond payable to the state or county for defaults which may occur while he is in office.¹¹ Even where there is no statutory requirement, the sheriff may, and does, demand that his deputies give bond. Although statutory provisions relating to bonds vary from state to state, it should be noted that in some instances the amount of the bond may be set by statute and in other instances the amount may be left either to the discretion of the county governing board or to some other body or officer. Where a bond is required by law, approval rests with the same body which is responsible for approving the sheriff's bond. Bonds must be

¹⁰ In some states (Mississippi, for example) an oath may not be required of a special deputy appointed to perform only one particular act.

¹¹ In Tennessee the deputy is required to give bond if he engages in the collection of delinquent taxes.

renewed at the beginning of each term of office.

Number Appointed. The number of deputies which a sheriff may appoint is determined in a variety of ways among the eleven southern states. If the sheriff is permitted to operate his office solely out of retained fees, as is true in Mississippi, he is free to employ as many deputies as he sees fit. If he is authorized to operate his office out of a portion of the fees he collects, as may be the case in Kentucky and Tennessee, the number of deputies which he may appoint is subject to approval.¹² If the sheriff and his deputies are compensated by salaries, the number of deputies generally will be fixed by statute or by the county governing board or other body which approves the sheriff's budget. In Virginia the number of deputies is fixed by the State Compensation Board upon recommendation of the county board of supervisors.

The largest single sheriff's department within the eleven southern states had a total of 777 full-time deputies on April 1, 1967. On the other hand, a few departments--all in counties of less than 25,000 persons--reported that they had no full-time deputies.¹³ The average (median) number of full-time deputies per department varied from nearly 17 in Louisiana to only 2 in both Georgia and Kentucky (see Table 51).¹⁴ Among population groups the average (median) number per department ranged from a high of 140 in the most populous category to a low of 2 in the least populous group.

¹² In Kentucky approval is by the fiscal court; in Tennessee approval is by the judge of the circuit or criminal court.

¹³ Among the 588 respondents, 4 percent indicated that they had no full-time deputies.

¹⁴ Part-time deputies were reported by less than one-half of the responding sheriffs. Among those reporting such deputies, the average number was generally insignificant.

Table 51
 FULL-TIME DEPUTY STRENGTH, BY STATE AND BY
 1960 COUNTY POPULATION-SIZE GROUP,
 ELEVEN SOUTHERN STATES, 1967

State and County Population-Size Group	Number of Sheriffs Reporting	Number of Full-Time Deputies				
		High	Low	Average ^a		
				Per Depart- ment	Per 1,000 Popu- lation	Per 100 Square Miles
State						
Alabama	44	141	1	4	0.15	0.64
Arkansas	47	60	1	4	0.19	0.48
Florida	53	777	2	15	0.58	1.82
Georgia	68	140	0	2	0.16	0.60
Kentucky	78	135	0	2	0.14	0.63
Louisiana	46	200	5	17	0.60	2.45
Mississippi	39	55	0	3	0.16	0.60
North Carolina	73	73	0	7	0.21	1.41
South Carolina	30	45	2	8	0.22	1.32
Tennessee	39	234	0	4	0.18	0.91
Virginia	71	37	0	6	0.29	1.30
Population-Size Group						
250,000 and over	17	777	21	140	0.26	14.94
100,000 to 249,999	33	202	4	48	0.29	7.82
50,000 to 99,999	61	75	3	13	0.20	2.16
25,000 to 49,999	141	100	1	8	0.22	1.42
Less than 25,000	336	30	0	2	0.20	0.63
Region	588	777	0	5	0.21	0.96

^aMedian.

Source: Questionnaire.

Overall, the average (median) number of deputies per department was 5.¹⁵

It must be remembered that the size of any given department will be influenced by the duties of the sheriff, the number of people to be served

¹⁵The mean on the other hand, was 14.6. The mean (arithmetic average) is more affected by extreme values than is the median (middle value when items are arranged according to size).

and the amount of territory to be patrolled, as well as the strength of other law enforcement agencies. For this reason Table 51 compares the number of deputies per 1,000 inhabitants and per 100 square miles of county area.¹⁶ Except for Florida and Louisiana, the average (median) number of deputies per 1,000 persons did not vary to any great extent among the states. Variations among population groups also were relatively insignificant: 0.20 to 0.29. In terms of territory to be covered, however, the average (median) number of deputies per 100 square miles varied from nearly 15 in counties of more than 250,000 persons to less than one in counties of less than 25,000 persons. Variations existed also among the states.

For technical reasons it was not possible to compute turnover rates for deputy personnel. Responses to the interview, however, indicated that turnover was not insignificant. Moreover, the interview revealed that resignations were a much more significant cause of separations than were dismissals or other factors.

Compensation. Legal provisions relating to the compensation of deputy sheriffs vary from state to state and even among counties within a state. In general, however, the amount of compensation allowed deputies is set by the county governing body or other authority upon the recommendation of the sheriff.¹⁷ Frequently the state legislature places limitations on the maximum amount which may be paid. Where deputies are covered by civil service,

¹⁶In computing the number of deputies per 1,000 inhabitants, total county population (including that within municipalities) was used since the sheriff's jurisdiction is county wide. Similarly, total square miles, both within and without municipalities, was used in computing the number of deputies per 100 square miles.

¹⁷In Virginia, deputy salaries are fixed by the State Compensation Board within limits set by the general assembly. In South Carolina, the county legislative delegation usually controls the budget of the county.

their salaries must be fixed within the pay scale authorized by the civil service board. Where a portion of the fees collected by the sheriff may be retained for office expenses (as, for example, in Kentucky and Tennessee), the amount allowed for deputy compensation must be approved by some agency or officer other than the sheriff.¹⁸ Where sheriffs operate their offices solely out of retained fees, deputy compensation is left to the discretion of the sheriff.

Despite the restrictions noted above, approximately 44 percent of the sheriffs responding to the questionnaire indicated that they possessed full authority to fix deputy salaries. Apparently, then, many of the sheriffs reported that they had complete authority to set salaries when, legally, salaries were subject to approval by the county governing board, civil service board or other body. It may be that approval is routine in such instances.

Monthly entrance salaries (1967) for full-time deputy sheriffs are presented in Table 52 for those departments which returned the questionnaire. The highest salary received by any beginning full-time deputy in the South was \$500, and the lowest salary was \$150. The average (median) beginning salary for all deputies was \$360.¹⁹ Among the states, the average entrance salary varied from \$400 in both Louisiana and South Carolina to \$313 in Kentucky. Among county population groups, the average entrance salary increased with county population size for the first three groups and then

¹⁸ Approval rests with the fiscal court and with the judge of the circuit or criminal court in Kentucky and Tennessee, respectively.

¹⁹ While it was not possible to compare this figure with the 1967 salary for municipal patrolmen in the eleven southern states, the 1966 median monthly entrance salary for patrolmen throughout the entire United States was \$455. See The Municipal Yearbook, 1967 (Chicago: International City Managers' Association, 1967), Table 1, p. 439.

Table 52

MONTHLY ENTRANCE SALARY PAID FULL-TIME DEPUTY SHERIFFS,
BY STATE AND BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

State and County Population-Size Group	Number of Sheriffs Reporting	Amount (dollars)		
		High	Low	Average ^a
State				
Alabama	39	445	250	350
Arkansas	28	400	200	321
Florida	49	500	250	398
Georgia	49	500	275	380
Kentucky	30	500	150	313
Louisiana	44	450	300	400
Mississippi	20	500	275	325
North Carolina	55	490	240	360
South Carolina	25	484	267	400
Tennessee	22	400	150	315
Virginia	58	436	158	357
Population-Size Group				
250,000 and over	16	478	300	400
100,000 to 249,999	31	500	305	400
50,000 to 99,999	53	500	250	375
25,000 to 49,999	121	500	150	368
Less than 25,000	198	500	150	350
Region	419	500	150	360

^aMedian.

Source: Questionnaire.

remained constant for the upper two groups. The fact that entrance salaries generally increased with county population size suggests that urbanism breeds higher salaries and that deputies' salaries must keep pace to some extent.

For the southern states as a whole, the median average salary for all deputies, exclusive of chief deputies, was \$400 per month (see Table 53). On a state-by-state basis, the median of the average monthly salaries varied

Table 53

AVERAGE (MEAN) MONTHLY SALARY PAID FULL-TIME DEPUTY SHERIFFS
(EXCLUSIVE OF CHIEF DEPUTIES), BY STATE AND BY
1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

State and County Population-Size Group	Number of Sheriffs Reporting	Amount (dollars)		
		High	Low	Average ^a
State				
Alabama	20	641	255	350
Arkansas	19	450	225	350
Florida	34	680	250	450
Georgia	36	535	300	400
Kentucky	23	500	100	325
Louisiana	35	650	300	475
Mississippi	16	550	225	350
North Carolina	37	490	300	400
South Carolina	14	495	325	427
Tennessee	12	400	250	338
Virginia	33	560	271	400
Population-Size Group				
250,000 and over	8	680	425	511
100,000 to 249,999	20	650	350	459
50,000 to 99,999	37	550	250	412
25,000 to 49,999	72	600	275	400
Less than 25,000	142	600	100	357
Region	279	680	100	400

^aMedian of the average (mean) monthly salaries paid.

Source: Questionnaire.

from \$475 in Louisiana to \$325 in Kentucky. As in the case of entrance salaries, average salaries increased as county population increased. The range was from \$357 in counties with populations of less than 25,000 persons to \$511 in counties with populations of 250,000 or more persons. Unlike entrance salaries, the figure for the upper two population groups did not remain static.

The average (median) monthly salary paid to chief deputies, i.e., the person second in command to the sheriff, was \$450 (see Table 54). Among county population groups, the average salary ranged from a high of \$800 per month in counties with populations of 250,000 and over to a low of \$400 in counties of less than 25,000 persons. In one county, where the sheriff was allowed to retain fees, the chief deputy received \$1500 per month.

Table 54

MONTHLY SALARY PAID CHIEF DEPUTY OR UNDERSHERIFF,
BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Reporting	Average Amount ^a (dollars)
250,000 and over	13	800
100,000 to 249,999	27	625
50,000 to 99,999	49	500
25,000 to 49,999	89	450
Less than 25,000	167	400
All Groups Combined	345	450

^aMedian.

Source: Questionnaire.

Among the sheriffs interviewed in conjunction with this study, only 37 percent reported that there was any sort of standardized pay scale governing deputy salaries. Table 55 shows that the larger the county, the more likely that its pay scale would be standardized.

Rank and Promotion. Where deputies are appointed under a civil service system, they usually are required to serve a probationary period during which they are expected to demonstrate their fitness for the office. Even where sheriffs' departments do not have formal civil service coverage,

Table 55
PROPORTION OF SHERIFFS' DEPARTMENTS WITH STANDARDIZED
DEPUTY PAY SCALE, BY 1960 COUNTY POPULATION-SIZE
GROUP, ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Responding	Percent Having Standardized Scale
250,000 and over	12	91.7
100,000 to 249,999	27	59.3
50,000 to 99,999	39	35.9
25,000 to 49,999	42	33.3
Less than 25,000	44	13.6
All Groups Combined	164	37.2

Note: One Mississippi sheriff who answered this question reported having no deputies and was not included in this tabulation.

Source: Interview.

the sheriff may require deputies to serve a trial period. This practice, however, apparently is the exception rather than the rule because of the large number of small counties involved. Table 56 shows that the smaller counties, those with populations of less than 50,000, usually did not require a probationary period. Larger counties, particularly those with 100,000 or more inhabitants, frequently required deputies to serve a probationary period. Overall, 60 percent of the departments reported no probationary period for deputies. Among the 40 percent which required a probationary period, such period varied in length from less than 3 months to more than 12 months. A probationary period of 6 months was the most common arrangement in all population groups, although a period of 12 months was not uncommon in the larger population groups. Florida, North Carolina and South Carolina were the only states in which more than one-half the sheriffs

Table 56
PROBATIONARY REQUIREMENTS FOR DEPUTY SHERIFFS,
BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Sheriffs Reporting		Percent of Number Reporting					
			No Probationary Period	Probationary Period				
	Number	Percent		Less Than 3 Months	3 Months	6 Months	12 Months	More Than 12 Months
250,000 and over	17	100.0	5.8	11.8	0.0	41.2	23.5	5.9
100,000 to 249,999	32	100.0	18.8	12.5	12.5	43.7	12.5	0.0
50,000 to 99,999	60	100.0	38.3	5.0	6.7	31.7	15.0	0.0
25,000 to 49,999	139	100.0	60.4	1.4	6.5	21.6	4.3	0.7
Less than 25,000	313	100.0	70.9	3.5	6.1	13.4	1.9	0.0
All Groups Combined	561	100.0	59.9	3.9	6.4	19.9	5.2	0.4

Source: Questionnaire.

reported a probationary period.

Where there is more than one deputy within the sheriff's department, one individual is usually designated as chief deputy and placed second in command to the sheriff. In some departments a formal rank system also is employed. In these departments various levels or gradations of authority exist and are described by such titles as deputy, sergeant, captain, investigator and so forth. As shown in Table 57, however, formal rank systems are important only in large departments located in populous counties. Where formal ranks existed, interviewed sheriffs stated that they relied more heavily upon a combination of seniority and performance in giving promotions than upon any other factor or combination of factors.²⁰

Table 57

PROPORTION OF SHERIFFS' DEPARTMENTS CLASSIFYING
DEPUTIES ACCORDING TO RANK, BY 1960 COUNTY
POPULATION-SIZE GROUP, ELEVEN
SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Reporting	Percent Having Ranks ^a
250,000 and over	17	70.6
100,000 to 249,999	33	60.6
50,000 to 99,999	61	27.9
25,000 to 49,999	140	12.9
Less than 25,000	328	3.3
All Groups Combined	579	13.5

^aExclusive of Chief Deputy.

Source: Questionnaire.

²⁰Based upon 37 interview responses.

Working Conditions. Both the number of hours per day and the number of days per week regularly worked by full-time deputies generally increased as county population decreased (see Table 58). In counties with less than 25,000 inhabitants, however, a smaller percentage of sheriffs reported that their deputies worked in excess of 8 hours per day and 5 days per week than did sheriffs situated in counties having a population of at least 25,000 but less than 50,000 persons. Overall, approximately one-half of the sheriffs reported that their deputies worked 9 to 12 hours per day, and nearly three-fourths (73 percent) reported a 6-day workweek. While it is not shown in the table, a number of sheriffs reported that deputies were subject to call 24 hours per day, 7 days per week.

Overtime work apparently is not an unusual occurrence for deputy sheriffs inasmuch as 61 percent of the interviewed sheriffs reported that deputies often were required to work extra duty hours and 37 percent reported that deputies occasionally were required to work additional hours (see Table 59). The frequency with which deputies often were required to work overtime was much higher in counties with populations of less than 100,000 than in counties with populations of 100,000 or more. Table 60 shows that 6 percent of the interviewed sheriffs paid deputies for overtime work; 33 percent gave deputies compensatory time off; and 61 percent gave neither overtime pay nor compensatory time off. In each population group, compensatory time off was more common than was the practice of additional pay. Generally speaking, deputies in departments located in counties with less than 100,000 inhabitants were likely to receive no compensation for extra duty hours.

Nearly 80 percent of the interviewed sheriffs reported that they employed a standard policy with respect to deputy vacations, but only 27 percent

Table 58

DUTY HOURS PER DAY AND WORKDAYS PER WEEK FOR DEPUTY SHERIFFS,
BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Sheriffs Reporting		Length of Workday (Percent)			Sheriffs Reporting		Length of Workweek (Percent)		
	Number	Percent	8 Hours	9-12 Hours	13-16 Hours	Number	Percent	5 Days	5½ Days	6 Days
250,000 and over	17	100.0	82.4	17.6	0.0	15	100.0	73.3	0.0	26.7
100,000 to 249,999	33	100.0	81.8	18.2	0.0	31	100.0	32.3	19.3	48.4
50,000 to 99,999	53	100.0	49.1	45.3	5.6	50	100.0	20.0	0.0	80.0
25,000 to 49,999	126	100.0	23.8	68.3	7.9	112	100.0	8.9	9.8	81.3
Less than 25,000	252	100.0	38.1	49.6	12.3	203	100.0	11.8	14.3	73.9
All Groups Combined	481	100.0	40.1	50.7	9.2	411	100.0	15.8	11.2	73.0

Source: Questionnaire.

Table 59

FREQUENCY WITH WHICH DEPUTY SHERIFFS ARE REQUIRED TO WORK OVERTIME,
BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Sheriffs Responding		Percent of Number Responding		
	Number	Percent	Often	Occasion- ally	Never
250,000 and over	12	100.0	41.7	58.3	0.0
100,000 to 249,999	26	100.0	26.9	73.1	0.0
50,000 to 99,999	39	100.0	69.2	28.2	2.6
25,000 to 49,999	42	100.0	71.4	26.2	2.4
Less than 25,000	44	100.0	70.4	27.3	2.3
All Groups Combined	163	100.0	61.4	36.8	1.8

Source: Interview.

Table 60

COMPENSATION RECEIVED BY DEPUTY SHERIFFS FOR OVERTIME WORK
BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Sheriffs Responding		Percent of Number Responding		
	Number	Percent	Overtime Pay	Compensa- tory Time Off	No Compen- sation
250,000 and over	12	100.0	33.3	50.0	16.7
100,000 to 249,999	27	100.0	11.1	40.7	48.2
50,000 to 99,999	37	100.0	0.0	27.0	73.0
25,000 to 49,999	41	100.0	4.9	26.8	68.3
Less than 25,000	43	100.0	2.3	32.6	65.1
All Groups Combined	160	100.0	6.3	32.5	61.2

Source: Interview.

reported such a policy with respect to sick leave (see Table 61). In keeping with other findings of this study, standard policies generally were more common among departments in populous counties than among departments in small counties. Relatively few of the sheriffs reported that the length of service had any bearing on the length of the vacation.

Table 61
PROPORTION OF SHERIFFS EMPLOYING VACATION AND SICK LEAVE POLICIES,
BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Responding	Percent With Vacation Policy	Percent With Sick Leave Policy
250,000 and over	12	91.7	75.0
100,000 to 249,999	27	100.0	48.1
50,000 to 99,999	39	87.2	20.5
25,000 to 49,999	42	66.7	19.0
Less than 25,000	44	63.6	13.6
All Groups Combined	164	78.0	26.8

Source: Interview.

Table 62 shows that 94.1 percent of the sheriffs' departments in counties with 250,000 or more inhabitants covered their deputies under social security and 86.7 percent did so in counties of less than 25,000 persons. The table also shows that deputies in a high proportion of the departments were covered under a public retirement plan and the larger the county population, the more likely that such a plan was available.²¹ Since accidental death and disabling injury programs are relatively new, the coverage shown in the

²¹ Obviously some deputies were covered under both social security and a public retirement system.

Table 62
PROPORTION OF SHERIFFS' DEPARTMENTS OFFERING SELECTED BENEFITS TO DEPUTIES,
BY 1960 COUNTY POPULATION-SIZE GROUP, ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Social Security		Public Retirement System		Accidental Death Program		Disabling Injury Program	
	Number of Sheriffs Reporting	Percent Reporting "Yes"	Number of Sheriffs Reporting	Percent Reporting "Yes"	Number of Sheriffs Reporting	Percent Reporting "Yes"	Number of Sheriffs Reporting	Percent Reporting "Yes"
250,000 and over	17	94.1	16	100.0	16	75.0	14	92.9
100,000 to 249,999	31	93.5	32	96.9	30	83.3	30	83.3
50,000 to 99,999	58	91.4	56	80.4	59	67.8	57	66.7
25,000 to 49,999	137	93.4	132	76.5	134	63.4	132	61.4
Less than 25,000	309	86.7	278	63.7	297	50.8	279	49.1
All Groups Combined	552	89.5	514	72.0	536	58.4	512	57.4

Source: Questionnaire.

table indicates marked progress. Provision of such programs varied directly with the size of the county except for accidental death programs in counties of 250,000 and over. On a state-by-state basis (not shown in the table) Florida ranked at, or near, the top with respect to the percentage of departments possessing each of these selected employee benefits.

The wearing of uniforms is a practice which apparently varies from state to state and usually among sheriffs' departments within a state. Florida and Louisiana were the only states in which all of the interviewed sheriffs reported that uniforms normally were worn by all (or a portion) of the full-time deputies within their departments. In each of the remaining states except Mississippi, at least 80 percent of the interviewed sheriffs reported that all (or a portion) of the full-time deputies normally wore uniforms. In Mississippi, only 62 percent reported that some of their deputies normally wore uniforms. Among the 141 interviewed sheriffs reporting that their deputies were uniformed, 52 percent said that uniforms were purchased by the county; 31 percent by the sheriff; and 6 percent by the deputy himself. The remaining 11 percent received a uniform allowance from the county. In three states (Arkansas, Florida and Kentucky), nearly all of the interviewed sheriffs reported that deputy uniforms were standardized throughout the state. In five states (Alabama, Louisiana, Mississippi, South Carolina and Tennessee), almost all of the interviewed sheriffs indicated that uniforms were not standardized. In three states (Georgia, North Carolina and Virginia), interviewed sheriffs gave conflicting answers with respect to standardization.

Manner in Which Work Assigned. In order to gain some insight into the formality of the situation in which deputies work, interviewed sheriffs were asked about the methods used in assigning deputy tasks. The results,

presented in Table 63, reveal that a little more than two-thirds of those interviewed relied mostly upon oral instructions. Ten percent relied mostly upon written instructions, and the remainder relied about evenly upon oral and written assignments. The data show moreover that the larger the organization, the greater the tendency to rely on formal, written instructions.

Table 63

METHOD USED IN ASSIGNING TASKS TO DEPUTY SHERIFFS,
BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Sheriffs Responding		Method of Assignment (Percent of number responding)		
	Number	Percent	Mostly Oral	Mostly Written	Equally Oral and Written
250,000 and over	12	100.0	33.3	25.0	41.7
100,000 to 249,999	27	100.0	40.8	22.2	37.0
50,000 to 99,999	39	100.0	71.8	5.1	23.1
25,000 to 49,999	42	100.0	71.4	4.8	23.8
Less than 25,000	45	100.0	84.4	8.9	6.7
All Groups Combined	165	100.0	67.3	10.3	22.4

Source: Interview.

Civilian Employees

Civilian employees, that is persons who have not taken an oath of office as deputy, generally are not present in significant numbers except in large sheriffs' departments. In small departments nonpolice tasks apparently are performed by persons who have been deputized. Approximately 60 percent of the 588 sheriffs responding to the questionnaire reported that they had no full-time civilian employees, and an additional 16 percent reported that they had only one full-time civilian employee. Only 3 percent

of the respondents reported 10 or more full-time civilian employees. Part-time civilians were reported with even less frequency than their full-time counterparts. No data were collected on salaries paid civilian personnel.

Where civilian personnel were employed, such personnel normally worked fewer hours per day and fewer days per week than did sworn deputies. As shown in Table 64, most departments required full-time civilian employees to work 8 hours per day, 5 days per week. As was true in the case of deputies (see Table 58), duty hours per day and workdays per week generally increased as county population decreased.

Auxiliary Units

Southern sheriffs apparently value volunteer citizens' groups organized to perform specific tasks and/or to give support and assistance to the sheriff and his deputies in times of emergency or disaster, for nearly 57 percent of the 165 sheriffs interviewed as a part of this study reported the existence of one or more volunteer groups.²² The kinds of units and the percentage of sheriffs having such units are presented in Table 65. Overall, 28 percent of the sheriffs reported a general purpose unit designated by such name as auxiliary, posse, or reserve force. Nearly 7 percent of the sheriffs reported a mounted posse; 15 percent, a special rescue squad; 7 percent, a junior deputy or other juvenile unit, and 25 percent, some other kind of volunteer group such as a flotilla, a civil defense unit, a radio patrol and so forth. With but few exceptions, the frequency of each kind of volunteer unit increased as county population size increased. Data not shown in the table, however, indicate that sheriffs in Kentucky, Tennessee

²²As noted in Table 46, nearly one-half (46 percent) of the interviewed sheriffs considered auxiliary units to be a valuable medium of public relations.

Table 64
DUTY HOURS PER DAY AND WORKDAYS PER WEEK FOR SHERIFFS' CIVILIAN EMPLOYEES,
BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Sheriffs Reporting		Length of Workday (Percent)			Sheriffs Reporting		Length of Workweek (Percent)		
	Number	Percent	6-7 Hours	8 Hours	9-12 Hours	Number	Percent	5 Days	5½ Days	6 Days
250,000 and over	12	100.0	0.0	100.0	0.0	10	100.0	90.0	10.0	0.0
100,000 to 249,999	18	100.0	0.0	100.0	0.0	18	100.0	77.8	11.1	11.1
50,000 to 99,999	26	100.0	7.7	84.6	7.7	26	100.0	53.9	19.2	26.9
25,000 to 49,999	69	100.0	5.8	84.1	10.1	65	100.0	49.2	13.9	36.9
Less than 25,000	85	100.0	5.9	83.5	10.6	84	100.0	51.2	15.5	33.3
All Groups Combined	210	100.0	5.2	86.2	8.6	203	100.0	55.2	14.8	30.0

Source: Questionnaire.

Table 65
VOLUNTEER UNITS POSSESSED BY SHERIFFS' DEPARTMENTS,
BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Responding	Percent Having Volunteer Unit					Percent Not Having Volunteer Unit
		Auxiliary, Posse or Reserve	Mounted Posse	Rescue Squad	Junior Deputies	Other	
250,000 and over	12	66.7	8.3	25.0	16.7	25.0	8.3
100,000 to 249,999	27	33.3	7.4	22.2	14.8	7.4	37.0
50,000 to 99,999	39	25.6	10.3	15.4	2.6	23.1	38.5
25,000 to 49,999	42	26.2	7.1	11.9	4.8	16.7	42.9
Less than 25,000	45	17.8	2.2	11.1	4.4	6.7	60.0
All Groups Combined	165	27.9	6.7	15.1	6.7	14.5	43.0

Note: Because of multiple responses, totals exceed 100 percent.

Source: Interview.

and Virginia made very little use of volunteer units.

Of the 117 volunteer units directed by interviewed sheriffs, a little more than 68 percent were uniformed. Because of inadequate responses, it was not possible to determine the average size of the various kinds of units. Moreover, data were not collected with respect to the kinds of training received by members of these volunteer groups.

Budgeting

This survey made no attempt to discover either the legal provisions relating to budgeting or the mechanics of the budgetary process. Sheriffs simply were asked if they were required to prepare an annual budget request. Overall, answers were about evenly divided among the 568 responding sheriffs: 53 percent were required to prepare a request and 47 percent were not. On a state-by-state basis, the percentage of sheriffs who participated in the budgetary process ranged from more than 90 percent in Florida and Virginia to less than 10 percent in Louisiana and Mississippi. As shown in Table 66, the frequency with which sheriffs reported the existence of a budgeting requirement increased as county population increased. Nearly 94 percent of the responding sheriffs in counties having populations in excess of 250,000 persons indicated that they were required to prepare a budget request, while only 41 percent reported such a requirement in counties with less than 25,000 inhabitants. Nearly 13 percent of the sheriffs who stated that they were required to submit a budget request, however, reported that the request covered only part of their operations.²³

²³Although sheriffs were asked about the size of their budgets for the fiscal year in which they were operating, the number of responses were so inadequate as to make it hazardous to draw conclusions.

Table 66

PROPORTION OF SHERIFFS HAVING BUDGETING REQUIREMENTS,
BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Reporting	Percent With Requirement
250,000 and over	16	93.8
100,000 to 249,999	33	72.7
50,000 to 99,999	61	72.1
25,000 to 49,999	136	61.0
Less than 25,000	322	41.3
All Groups Combined	568	52.6

Source: Questionnaire.

Where sheriffs are required to prepare a budget request, such request usually is subject to review and approval by the county governing body.²⁴ Inasmuch as the relationship which exists between the governing body and the sheriff may affect the governing body's responsiveness to the sheriff's request for funds, each of the 165 interviewed sheriffs was asked to indicate the number of members of the governing body who belonged to his political party and the number who did not. Responses were received from 153 sheriffs and are summarized in Table 67. Nearly 69 percent of the respondents stated that all members of the governing body belonged to the sheriff's party, and an additional 22 percent indicated that more than one-half of the members belonged to the same party to which the sheriff belonged. In four states (Arkansas, Florida, Georgia and Mississippi), no instances

²⁴As noted earlier in the chapter, the county legislative delegation usually controls the budget in South Carolina; and in Virginia the State Compensation Board plays a vital role.

Table 67

POLITICAL PARTY RELATIONSHIPS BETWEEN SHERIFFS
AND THEIR COUNTY GOVERNING BOARDS, BY STATE,
ELEVEN SOUTHERN STATES, 1967

State	Sheriffs Responding		Political Affiliation of County Governing Board Members			
	Number	Percent	All Belong To Sheriffs' Party	More Than 50 Percent Belong To Sheriffs' Party	Less Than 50 Percent Belong To Sheriffs' Party	None Belong To Sheriffs' Party
Alabama	15	100.0	86.6	0.0	6.7	6.7
Arkansas	15	100.0	66.7	33.3	0.0	0.0
Florida	15	100.0	93.3	6.7	0.0	0.0
Georgia	14	100.0	92.9	7.1	0.0	0.0
Kentucky	15	100.0	40.0	53.3	6.7	0.0
Louisiana	15	100.0	86.6	6.7	0.0	6.7
Mississippi	10	100.0	90.0	10.0	0.0	0.0
North Carolina	15	100.0	66.7	6.7	13.3	13.3
South Carolina	11	100.0	90.9	0.0	9.1	0.0
Tennessee	13	100.0	23.1	69.2	7.7	0.0
Virginia	15	100.0	26.7	53.3	13.3	6.7
Region	153	100.0	68.6	22.9	5.2	3.3

Source: Interview.

were reported in which any member of the governing body was of a different party than that of the sheriff. In view of the data presented in the table, any budgetary difficulties which may occur between the sheriff and the county governing body may not be attributed to political party differences, except in a very small number of instances. It is possible, however, that the sheriff and members of the governing body may belong to different factions within the same party, but this study sheds no light on this matter.

Chapter VI

TRAINING AND PROFESSIONALIZATION

The need for law enforcement training and professional upgrading of law enforcement officers is beyond question in a day when the incidence of crime is rapidly increasing; when transportation, communications, science and technology are making significant advances; when laws and judicial interpretations are multiplying in number and complexity; and when law enforcement officers are confronted with perplexing social and behavioral problems. In fact, there seems to be universal recognition that experience alone is not enough to equip police officers for the difficult task of modern law enforcement.

Sources of Legal Information

Effective law enforcement requires that the sheriff keep abreast of new laws he is expected to enforce, of changes in existing laws, and of judicial pronouncements regulating police behavior. The sources upon which the 165 interviewed sheriffs relied in keeping informed of legal developments are set out in Table 68 for each county population-size group. While 72 percent of the total interviewees made an effort to read new laws and/or judicial decisions affecting their operations, less than 2 percent retained a lawyer to advise them on legal matters. More than 50 percent, however, relied upon each of the following sources for legal advice: county attorney, district attorney, state attorney general and members of the state legislature.¹ Forty-seven percent received pertinent legal information from their

¹County and district attorneys are called by different names in the various states.

Table 68
SOURCES OF LEGAL INFORMATION EMPLOYED BY SHERIFFS,
BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Respond- ing	Percent of Number Responding										
		Copies of Laws or Decisions	County ^a Attorney	State Attorney General	State Legislators	District ^a Attorney	State Sheriffs' Association	State Law Enforcement Association	Law Enforcement Periodicals	Private Attorney	Retained Counsel	Other Source
250,000 and over	12	66.6	66.7	58.3	41.7	25.0	58.3	25.0	8.3	0.0	0.0	33.3
100,000 to 249,999	27	77.8	51.8	59.3	55.6	66.7	25.9	18.5	7.4	0.0	3.7	25.9
50,000 to 99,999	39	69.2	59.0	61.5	48.7	61.5	53.8	25.6	2.6	2.6	0.0	23.1
25,000 to 49,999	42	69.0	69.0	61.9	59.5	57.1	47.6	23.8	4.8	0.0	2.4	28.6
Less than 25,000	45	73.3	66.7	44.4	64.4	48.9	51.1	20.0	6.7	4.4	2.2	22.2
All Groups Combined	165	71.5	63.0	56.4	56.4	55.1	47.3	22.4	5.4	1.8	1.8	25.4

^aCounty and district attorneys are called by various names among the states.

Source: Interview.

state sheriffs' association; 22 percent received information from their state law enforcement association; 5 percent received information from law enforcement periodicals; 2 percent received advice from private attorneys; and 25 percent received information from some source other than those named. Sheriffs, in almost all instances, sought legal information from multiple sources (see Table 69).

Table 69

NUMBER OF SOURCES OF LEGAL INFORMATION EMPLOYED BY SHERIFFS,
BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Sheriffs Responding		Percent of Number Responding		
	Number	Percent	One Source Only	Two-Five Sources	More Than Five Sources
250,000 and over	12	100.0	16.7	66.7	16.6
100,000 to 249,999	27	100.0	7.4	70.4	22.2
50,000 to 99,999	39	100.0	10.3	64.1	25.6
25,000 to 49,999	42	100.0	4.8	64.3	30.9
Less than 25,000	45	100.0	4.4	68.9	26.7
All Groups Combined	165	100.0	7.3	66.7	26.0

Source: Interview.

Law Enforcement Training

Law enforcement officers, including sheriffs and their deputies, need extensive training in all areas of police work if they are to meet the demands placed upon them. This need has been recognized by the federal government as evidenced by the national, regional and local training programs made available through the Federal Bureau of Investigation and the Federal Bureau of Narcotics as well as by the grants awarded by the Office of Law

Enforcement Assistance under the Law Enforcement Assistance Act of 1965. Colleges and universities also have recognized the need and have greatly increased the number of departments which specialize in the field of "police science" and which offer degree programs in law enforcement. In addition many colleges and universities provide law enforcement workshops and short courses and some have established institutes which provide specialized training for law enforcement officers.² Finally, sheriffs' associations and peace officers' associations in each of the states sponsor various conferences and training opportunities for sheriffs and their deputies.

State Programs

State governments also have recognized the need for increased law enforcement training and have taken measures to help provide it. The programs of the various southern states are summarized below.

Alabama. The Alabama Police Academy, located at Montgomery and operated by the Service Division of the Department of Public Safety, provides comprehensive basic and in-service training for Alabama police officers. While the Academy exists primarily for state officers, a limited number of sheriffs and their deputies may be accepted for training.³ If the sheriff is salaried, the county is expected to pay the cost of training. If the sheriff operates under the fee system, training costs must be paid out of fee collections. Participation by sheriff personnel is voluntary.

Arkansas. Arkansas sheriffs and other peace officers are eligible for training at the Arkansas Law Enforcement Training Academy. The Academy

²Two well-known institutes are the Traffic Institute of Northwestern University and the Southern Police Institute of the University of Louisville.

³Interview with J. Melton, Alabama Police Academy, Mar. 28, 1968.

is located in the Petit Jean State Park and is administered by a specially created board. The sheriffs' association (and other law enforcement associations), however, may advise on the curricula for the courses of instruction. In order to gain admission to the Academy, sheriffs and their deputies must apply to the executive committee of the Arkansas Sheriffs' Association. Food, lodging and related expenses are defrayed by the state, but the sheriff or the county must pay the travel expenses. Participation by sheriff personnel is voluntary.⁴

Florida. As of January 1, 1968, Florida was the only southern state to have enacted legislation providing for a Police Standards Council empowered to prescribe a minimum training program for all law enforcement officers in the state except those who are elected.⁵ The program will begin July 1, 1968, and will require 200 clock hours as the minimum amount of training. Instruction will be provided through vocational schools, junior colleges and, eventually, ten regional police academies.⁶

Georgia. Police officers in Georgia receive training at the Georgia Police Academy located in Atlanta and operated under the auspices of the State Department of Public Safety.⁷ Sheriffs and their deputies may attend the Academy on a voluntary basis provided their county assumes the costs involved therein. In addition to the program offered at the Academy, courses

⁴Arkansas Statutes (1947), Annotated, 42-701 et seq.

⁵Florida Statutes Annotated, Session Laws of 1967, chap. 67-230. At the time of this survey the Florida Sheriffs' Bureau, in cooperation with the Florida Sheriffs' Association, provided training for sheriffs and their deputies through the Florida Law Enforcement Academy.

⁶Interview with J. Ledden, Florida Police Standards Council, Mar. 26, 1968.

⁷Georgia Code, Annotated, sec. 32-305 et seq.

of instruction also are presented through the Institute of Government of the University of Georgia. Georgia sheriffs and their deputies also participate in a police training program presented through state-wide, open-circuit educational television facilities.⁸

Kentucky. The state of Kentucky operates a State Police Training Academy.⁹ While the Academy's facilities, instructors and special training are primarily for state police personnel and are under the supervision of the Commissioner of State Police, they are available to sheriffs, deputies and other local law enforcement officers. The Kentucky Police Officers' Association and the Kentucky Sheriffs' Association sponsor various courses at the Academy. Expenses incurred by the sheriff or his deputies in attending these courses must be paid by the sheriff or by his county.

Louisiana. In Louisiana the state provides for voluntary law enforcement training through the Extension Division of Louisiana State University, in cooperation with the Louisiana Sheriffs' Association, other peace officers' associations, and the Louisiana State Police. The training is classified as follows: (1) basic training provided at the law enforcement training academy located at Bunkie, (2) law enforcement retraining conducted at various sites throughout the state, (3) training for the law enforcement administrator and potential administrator at the LSU Law Enforcement Institute held on the campus, and (4) specialized courses held on the campus

⁸This two-year program (begun in May, 1966) was funded through a grant received under the Federal Law Enforcement Assistance Act of 1965 and is administered by the University of Georgia.

⁹For information descriptive of the Academy and its program, see "Law Enforcement in Kentucky: Report to the Committee on the Administration of Justice in the Commonwealth of Kentucky," Kentucky Law Journal, Vol. 52, No. 11 (1963-1964), pp. 216-219. See also Kentucky Revised Statutes, 16.090.

It should be noted that Eastern Kentucky University has received a Federal Law Enforcement Assistance Act planning grant to establish a training council and to develop statewide standards for training of law enforcement officers.

when the Institute is not in session.¹⁰ The training is provided without cost to all peace officers in the state, but the participating agency must pay expenses.

Mississippi. Mississippi provides voluntary training for state, county and municipal police officers at the Mississippi Law Enforcement Officers' Training Academy at Whitfield.¹¹ The Academy is administered by the State Commissioner of Public Safety who is responsible for prescribing the curriculum¹² and for approving the applicants. The tuition and expenses of sheriffs and their deputies may be paid by the county at its discretion. Various regional programs are sponsored by the sheriffs' or peace officers' association.

North Carolina. In North Carolina voluntary law enforcement training for sheriffs, their deputies and other peace officers is provided through the Institute of Government of The University of North Carolina at Chapel Hill. The sheriffs' association, from time to time, advises the Institute on the course content. Special law enforcement training programs are provided also through community colleges and other educational institutions.

South Carolina. The South Carolina Law Enforcement Training School, which operates under the auspices of the Extension Division of the University of South Carolina, provides voluntary training, facilities and courses of instruction to all law enforcement officers in the state.¹³ In order

¹⁰Letter to Donald G. Rhodes from Julian A. Martin, Coordinator, Law Enforcement Training Program, Louisiana State University, July 27, 1967.

¹¹Mississippi Code (1942), Annotated and Recompiled, sec. 8086-03, et seq.

¹²The Mississippi Sheriffs' Association, or any other group requesting the use of the academy, also may request a particular course of instruction.

¹³Code of Laws of South Carolina (1962), 53-22.

to participate in the program, sheriffs and their deputies must apply to the Director of the Extension Division who is responsible for admissions and curriculum. The cost of the training itself and related fees are assumed by the state, but the sheriff or deputy normally receives his food, housing and transportation expenses from the county.¹⁴ Training programs in which sheriffs and deputies may participate are provided also by the State Law Enforcement Division (SLED) of the Governor's Office. One such program administered by SLED is a closed-circuit television program presented monthly in cooperation with the state educational television network.

Tennessee. The State of Tennessee has established a Tennessee Police Training Institute for the purpose of providing training to state, county, municipal and metropolitan law enforcement officers.¹⁵ Under authority of the establishing act, a Tennessee Law Enforcement Officers' Training Academy has been provided at Donelsonville; and the governor has designated a board of control to administer the state-directed training program. Contracts may be made with state agencies, institutions of higher learning and city, county or municipal governments. Participants, or their governing bodies, may be required to pay fees and expenses.

Virginia. In Virginia the state appropriates money to the Virginia Sheriffs' and City Sergeants' Association for the purpose of conducting an annual school using the facilities of the state police at Richmond.¹⁶

¹⁴Letters from Kennerly R. Corbett, Executive Secretary, South Carolina Law Enforcement Officers' Association, and Allen B. Harman, Coordinator of the South Carolina Law Enforcement Training School, May 3 and May 4, 1968, respectively.

¹⁵Tennessee Code Annotated, 38-801, et. seq.

¹⁶Interview with James H. Young, Secretary, Virginia State Sheriffs' and City Sergeants' Association, Mar. 28, 1968.

Various junior colleges and other educational institutions (such as the Richmond Professional Institute) also provide special training programs for sheriffs and their deputies.

Sheriffs' Training Practices

Table 70 presents data relative to the types of training which are received by sheriffs who returned the questionnaire.¹⁷ A little less than one-half of the sheriffs (46 percent) received training at some time after

Table 70

PROPORTION OF SHERIFFS RECEIVING SELECTED TYPES OF TRAINING,
BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Pretraining		In-Service Training			
			Soon After Assuming Office		At Regular Intervals	
	Number of Sheriffs Reporting	Percent Receiving Training	Number of Sheriffs Reporting	Percent Receiving Training	Number of Sheriffs Reporting	Percent Receiving Training
250,000 and over	16	25.0	13	53.8	13	46.1
100,000 to 249,999	25	28.0	24	58.3	27	74.1
50,000 to 99,999	47	46.8	36	52.8	46	71.7
25,000 to 49,999	112	50.9	102	67.6	119	75.6
Less than 25,000	274	46.3	225	52.4	256	65.6
All Groups Combined	474	45.8	400	56.7	461	68.8

Source: Questionnaire.

their election but prior to the time they assumed office (pretraining). More than one-half of the respondents (57 percent) received training soon

¹⁷The nature or depth of the training was not explored.

after they assumed office. Slightly more than two-thirds of those responding (69 percent) received training at regular intervals after assuming office. Among county population-size groups, training existed at rather uniformly high levels except for (1) pretraining in counties with populations of 100,000 or more and (2) regular in-service training in counties with populations of 250,000 and over. In evaluating the data presented in Table 70, it should be remembered that nearly two-thirds of the responding sheriffs reported law enforcement experience at some time prior to becoming sheriff. The frequency of prior law enforcement experience, coupled with the frequency of periodic training, reveals that a relatively high proportion of southern sheriffs have at least some law enforcement experience and/or training to equip them to perform their duties.

Deputy Training Practices

Training received by deputies was classified as orientation training, basic training and in-service training. Because neither the questionnaire nor the interview schedule made any attempt to define the various kinds of training, it seems evident that sheriffs, in some instances, placed different meanings on each of the terms.¹⁸

Orientation Training. Seventy-four percent of the interviewed sheriffs stated that some form of general orientation training was made available to their newly appointed deputies through the sheriff's department and/or some other agency such as a municipal or state police department, a state educational institution, the state sheriffs' association, the Federal Bureau

¹⁸Confusion over terms, as well as some apparent conflicts between questionnaire answers and interview answers, produced distorted results in some instances.

of investigation and so forth. In some cases orientation training meant only that the deputy was assigned to an experienced officer for a specified period of time. More than 50 percent of the interviewed sheriffs reported that orientation training, in addition to coverage of general duties, was made available to deputies in each of the following areas: firearms, criminal investigation, law of arrest, law of search and seizure, rules of evidence and court testimony. Between 40 and 50 percent participated in programs which included training in self defense, traffic accident investigation, traffic law, criminal law, interrogation and riot control. While frequency of orientation training varied significantly among states, the frequency of training among population groups generally was higher in departments located in heavily populated counties than in departments located in counties with small populations.

Basic Training. Among sheriffs responding to the questionnaire, nearly 20 percent reported that their departments conducted basic training for deputies (see Table 71). The percentage having departmental programs ranged

Table 71
PROPORTION OF SHERIFFS' DEPARTMENTS CONDUCTING
BASIC TRAINING, BY 1960 COUNTY POPULATION-SIZE
GROUP, ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Reporting	Percent Conducting Training
250,000 and over	17	64.7
100,000 to 249,999	33	45.4
50,000 to 99,999	58	27.6
25,000 to 49,999	141	21.3
Less than 25,000	323	13.0
All Groups Combined	572	19.9

Source: Questionnaire.

Table 72
SOURCES OF BASIC TRAINING PROVIDED DEPUTIES IN SHERIFFS' DEPARTMENTS WHICH
CONDUCT NO TRAINING THEMSELVES, BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Reporting	Percent of Number Reporting						
		Source of Training					No Training By Any Source	
		State Agency	Educational Institution	Federal Agency	Law Enforcement Association ^a	Other Agency		Unspec- ified
250,000 and over	5	20.0	0.0	40.0	0.0	0.0	0.0	60.0
100,000 to 249,999	14	28.6	35.7	0.0	7.1	21.4	7.1	28.6
50,000 to 99,999	34	8.8	26.5	2.9	0.0	8.8	0.0	58.8
25,000 to 49,999	96	34.4	13.5	8.3	5.2	3.1	2.1	47.9
Less than 25,000	239	25.9	6.7	3.8	4.2	1.7	2.1	60.7
All Groups Combined	388	26.5	11.1	5.1	4.1	3.3	2.1	56.2

Note: Because of multiple responses, totals exceed 100 percent.

^aState sheriffs' association or other peace officers' association.

Source: Questionnaire.

from 65 in counties with 250,000 or more inhabitants to 13 in counties with less than 25,000 inhabitants. Among those sheriffs who had no departmental program, 56 percent reported that basic training was not provided by any source (see Table 72). The others, however, indicated that training was provided by some source outside the department.¹⁹ The most important of these outside sources was the state, followed in order by educational institutions and federal agencies. The relative importance of various sources varied among county population-size groups.

In-Service Training. As shown in Table 73, periodic in-service training programs for deputies was offered by a little less than 22 percent of the sheriffs who returned the questionnaire. By county population size,

Table 73

PROPORTION OF SHERIFFS' DEPARTMENTS OFFERING IN-SERVICE TRAINING, BY 1960 COUNTY POPULATION-SIZE GROUP, ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Reporting	Percent Offering Training
250,000 and over	16	81.2
100,000 to 249,999	33	54.5
50,000 to 99,999	57	35.1
25,000 to 49,999	136	23.5
Less than 25,000	314	11.8
All Groups Combined	556	21.6

Source: Questionnaire.

¹⁹The content of departmental and other basic training programs was not explored in either the questionnaire or the interview.

the percentage with departmental programs ranged from 81 in the largest population category to 12 in the smallest population category. Among sheriffs offering no program within their own department, a little more than one-half (54 percent) indicated that in-service training was not provided by any source (see Table 74). The remaining sheriffs, on the other hand, reported in-service training programs conducted by one or more outside sources.²⁰ As in the case of basic training, the three most important outside sources were state agencies, educational institutions and federal agencies.

Adequacy of Training

As shown in Table 75, interviewed sheriffs were about evenly divided in their opinions as to whether or not an adequate amount of training was made available to them and their deputies. Fifty-two percent felt that the amount of training provided them was adequate to their needs and 48 percent felt that it was not. It is significant that sheriffs in heavily populated counties more often were of the opinion that the amount of training provided was adequate than were sheriffs in counties with relatively few inhabitants. Sheriffs who voiced dissatisfaction with the amount of training made available to their departments frequently reported that the major source of their dissatisfaction was not with the number

²⁰While the questionnaire did not attempt to discover the content of in-service training programs, the interview schedule contained a question about selected kinds of in-service training made available to deputy sheriffs. In response to this question, nearly 56 percent of the sheriffs who were interviewed reported general, periodic in-service training provided either by their department or by some agency outside the department. More than 50 percent of the departments participated in programs which included criminal law, firearms, law of arrest, criminal investigation and law of search and seizure.

Table 74

SOURCES OF IN-SERVICE TRAINING PROVIDED DEPUTIES IN SHERIFFS' DEPARTMENTS WHICH CONDUCT NO TRAINING THEMSELVES, BY 1960 COUNTY POPULATION-SIZE GROUP, ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Reporting	Percent of Number Reporting						
		Source of Training						No Training By Any Source
		State Agency	Educational Institution	Federal Agency	Law Enforcement Association ^a	Other Agency	Unspec- ified	
250,000 and over	3	0.0	0.0	33.3	0.0	0.0	0.0	66.7
100,000 to 249,999	15	33.3	26.7	20.0	6.7	20.0	13.3	20.0
50,000 to 99,999	32	25.0	28.1	6.2	0.0	6.2	9.4	37.5
25,000 to 49,999	85	32.9	12.9	11.8	4.7	3.5	2.3	49.4
Less than 25,000	229	21.0	9.6	5.7	5.7	0.0	3.1	59.8
All Groups Combined	364	24.4	12.6	8.0	4.9	2.2	3.8	53.8

Note: Because of multiple responses, totals exceed 100 percent.

^aState sheriffs' association or other peace officers' association.

Source: Questionnaire.

Table 75

PROPORTION OF SHERIFFS BELIEVING THAT ADEQUATE
AMOUNT OF TRAINING WAS MADE AVAILABLE,
BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Responding	Percent Believing Amount of Training Adequate
250,000 and over	12	66.7
100,000 to 249,999	27	70.4
50,000 to 99,999	39	46.1
25,000 to 49,999	42	47.6
Less than 25,000	45	46.7
All Groups Combined	165	52.1

Source: Interview.

of opportunities but with the lack of funds and manpower to take advantage of opportunities.

Participation in Law Enforcement Associations

Since 1940 the nation's sheriffs and their deputies have been organized in the National Sheriffs' Association in order to

provide for the prompt exchange of information pertaining to the duties, methods and official practices of the members, and to furnish advance notice of all such matters as may threaten violation of law or injury to persons or property.²¹

At the state level sheriffs and deputies are organized into state sheriffs'

²¹Constitution and By-Laws of the National Sheriffs' Association (Washington: National Sheriffs' Association, 1966), p. 2. Other stated objectives include the abolition of the fee system of compensation; the establishment of adequate salaries for sheriffs and their deputies; the elimination of the county jail as a detention facility for juveniles, alcoholics and persons who are mentally ill; extension of police communication systems; and adoption of a practical crime prevention program.

associations. In addition sheriffs may hold membership in their state law enforcement officers' association or peace officers' association, the International Association of Chiefs of Police, the National Jail Association, and various district or regional law enforcement associations.

Only 3 percent of the total number of sheriffs interviewed did not belong to any law enforcement association (see Table 76). On the other hand, 89 percent were members of their state sheriffs' association; 81 percent were members of the National Sheriffs' Association; 59 percent were members of their state law enforcement or peace officers' association; 9 percent were members of the International Association of Chiefs of Police; 7 percent were members of the National Jail Association; and 18 percent were members of one or more other professional law enforcement associations. The average (median) number of law enforcement memberships per sheriff was three.

Attendance at selected law enforcement conferences is shown in Table 77 for interviewed sheriffs. In examining this table, it is obvious that sheriffs in heavily populated counties generally attend law enforcement conferences more frequently than do sheriffs in counties which are not heavily populated.

Table 76
MEMBERSHIP OF SHERIFFS IN SELECTED LAW ENFORCEMENT ASSOCIATIONS,
BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Responding	Associations to Which Sheriffs Belong (Percent of Number Responding)						
		National Sheriffs' Associa- tion	State Sheriffs' Associa- tion	State Law Enforce- ment Associa- tion	Inter- national Associa- tion of Chiefs of Police	National Jail Associa- tion	Other	None
250,000 and over	12	100.0	100.0	58.3	33.3	16.7	25.0	0.0
100,000 to 249,999	27	92.6	92.6	74.1	14.8	11.1	7.4	0.0
50,000 to 99,999	39	94.9	94.9	56.4	5.1	10.3	20.5	2.6
25,000 to 49,999	42	64.3	83.3	61.9	4.8	0.0	23.8	2.4
Less than 25,00	45	71.1	84.4	51.1	4.4	4.4	13.3	6.7
All Groups Combined	165	80.6	89.1	59.4	8.5	6.7	17.6	3.0

Note: Because of multiple responses, totals exceed 100 percent.

Source: Interview.

Table 77
ATTENDANCE OF SHERIFFS AT SELECTED LAW ENFORCEMENT CONFERENCES,
BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Number of Sheriffs Responding	Law Enforcement Conferences Attended ^a (Percent of Number Responding)						
		National Sheriffs' Associa- tion	State Sheriffs' Associa- tion	State Law Enforce- ment Associa- tion	State Police or Highway Patrol	Municipal Police Depart- ment	Federal Bureau of Investi- gation	College or Univer- sity
250,000 and over	12	75.0	75.0	58.3	8.3	8.3	75.0	58.3
100,000 to 249,999	27	29.6	66.7	44.4	48.1	33.3	70.4	51.8
50,000 to 99,999	39	23.1	64.1	43.6	43.6	28.2	59.0	41.0
25,000 to 49,999	42	14.3	59.5	40.5	40.5	23.8	57.1	26.2
Less than 25,000	45	4.4	53.3	22.2	24.4	8.9	26.7	22.2
All Groups Combined	165	20.6	61.2	38.2	35.8	21.2	52.7	35.1
								17.0

Note: Because of multiple responses, totals exceed 100 percent.

^aOne or more times.

Source: Interview.

Chapter VII
RELATIONSHIPS AMONG SHERIFFS AND WITH OTHER
LAW ENFORCEMENT AGENCIES

The sheriff is but one of many officers and agencies responsible for law enforcement in the United States.¹ At the local level there are constables, municipal police departments and, occasionally, countywide police agencies independent of the sheriff, as well as police forces created for special and limited purposes.² At the state level there is the state police or highway patrol plus specialized agencies to enforce particular laws dealing with alcoholic beverage control, game and fish, and so forth. Finally, at the national level there is the Federal Bureau of Investigation and numerous other agencies charged with enforcing particular federal laws concerned with a variety of subjects ranging from counterfeiting to narcotics.³ This multiplicity of law enforcement units is a product of the federal system and the functional division of labor which occurs even in organizationally integrated structures like the national government.

¹For data on the number and strength of law enforcement agencies, see Task Force on the Police, The President's Commission on Law Enforcement and the Administration of Justice, Task Force Report: The Police (Washington, D.C.: U.S. Government Printing Office, 1967), Table 1, p. 7.

²Although he is frequently designated as a conservator of the peace and authorized to act as sheriff when that officer is incapacitated or is a party to a case in question, the county coroner is not generally considered to be a law enforcement officer. Thus he is excluded from this discussion except to say that his primary function is to investigate the circumstances surrounding violent or suspicious deaths. For a discussion of the origins of the coroner, as well as of his role in modern day America, see Coleman B. Ransone, Jr., The Office of Coroner in Alabama (University, Alabama: Bureau of Public Administration, University of Alabama, 1957), pp. 6-21.

³See Bruce Smith, Police Systems in the United States, 2nd ed., revised by Bruce Smith, Jr. (New York: Harper and Row, Publishers, 1960), pp. 169-172.

Interrelationships Among Sheriffs

All of the 165 sheriffs interviewed as a part of this study reported that they cooperated with their fellow sheriffs, but nearly one-fourth were unable or unwilling to cite specific examples of the ways in which they cooperated. Even when probed by the interviewers, they simply indicated that they cooperated "fully" or in "all ways." Among the 77 percent who gave examples of cooperation, the most frequent example offered was one required by law, namely, the service and return of process. Following in order of the frequency with which they were cited are these examples of cooperation: exchange of information; arrest and holding of suspects; assistance in criminal investigations; sharing of men, equipment and facilities; assistance in emergencies and in quelling riots and public disorders; and the establishment of roadblocks. No particular pattern of cooperation emerged either among states or county population-size groups.

Only 17 percent of the interviewees reported the existence of any problems with other sheriffs. Of these approximately two-thirds indicated that they frequently experienced difficulty in securing the return of process, especially if such process were directed to sheriffs in counties having small populations. The remainder indicated that the problems they experienced were in the area of inadequate communications and exchange of information. As in the case of cooperative endeavors, no particular pattern of conflict was observable among states or among population groups. If the responses of the interviewed sheriffs are accepted as being truly indicative of the situation which actually exists, it must be concluded that the spirit of cooperation is high and problems are minimal among sheriffs.

Relationships With Other Law Enforcement Officers and Agencies

The information about relationships among sheriffs and other law enforcement officers and agencies was obtained solely from sheriffs. Other officers and agencies were not interviewed or surveyed.

Relationships With Constables

The fee office of constable is found in each of the eleven southern states except Virginia.⁴ In South Carolina constables are appointed by the local magistrates or justices of the peace, but in all other southern states they are elected by township, district, ward or some other subdivision of the county. While the powers and duties of the constable vary from state to state, it is generally true that he "has the same powers and authority within his more limited sphere that the sheriff has in a broader sense and a wider territorial jurisdiction."⁵ Also, he normally serves the justice or magistrate courts in the same manner that the sheriff serves the courts of general trial jurisdiction. Since the office offers very little prestige and, perhaps, even less compensation, it is not at all uncommon to find numerous instances within each state in which no candidate offers himself for election. Even where the office is filled, the constable is only a part-time peace officer and process server.

Nearly one-third of the interviewed sheriffs reported that there were

⁴For a treatment of this ancient office, see Bruce Smith, Rural Crime Control (New York: Institute of Public Administration, Columbia University, 1933), pp. 75-102.

⁵William H. Anderson and others, A Treatise on the Law of Sheriffs, Coroners and Constables (Buffalo: Dennis and Co., Inc., 1941), Vol. 1, p. 5.

no constables within their counties. Where constables were present, however, sheriffs often reported that they had little or no contact with these officers; but, in some instances, sheriffs indicated that constables were deputized. A few sheriffs reported that they had jurisdictional problems with constables and that such problems were magnified by these facts: (1) constables are compensated wholly from fees and (2) constables often are inexperienced in law enforcement.

Relationships With Municipal Police

As noted in Chapter IV, the sheriff normally is the chief law enforcement officer within his county and is responsible for the maintenance of law and order throughout its entire area, including any incorporated municipalities. In actual practice, however, the sheriff frequently performs only restricted law enforcement functions within municipalities having their own police departments.

Table 78 reveals that in all states the sheriff relies heavily upon an established policy to govern his day-by-day, working relations with municipal police departments. In no state, for example, were there more than 15 percent of the sheriffs who indicated that they had no definite understanding with municipal police officers concerning law enforcement responsibilities within municipalities. (Among all states the percentage with no definite policy averaged less than 8 percent.) It is quite evident from the table that the smaller the county population-size group, the greater the reliance upon a policy of joint sheriff-municipal law enforcement within municipalities. Conversely, the larger the county population-size group the greater the reliance upon a policy of limited municipal law enforcement by the sheriff. This undoubtedly reflects the fact that in counties having large municipal populations municipal police

Table 78

LAW ENFORCEMENT PRACTICES OF SHERIFFS WITHIN MUNICIPALITIES,
BY STATE AND BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

State and County Population-Size Group	Sheriffs Reporting		Percent With Definite Policy			Percent Without Definite Policy
	Number	Percent	Joint Enforcement	Limited Enforcement ^a	Unspecified Arrangement	
State						
Alabama	44	100.0	47.7	40.9	2.3	9.1
Arkansas	46	100.0	47.8	52.2	0.0	0.0
Florida	53	100.0	49.1	39.6	3.8	7.5
Georgia	64	100.0	40.6	50.0	0.0	9.4
Kentucky	74	100.0	44.6	39.2	4.0	12.2
Louisiana	43	100.0	44.2	51.2	2.3	2.3
Mississippi	38	100.0	31.6	63.1	0.0	5.3
North Carolina	66	100.0	25.8	65.1	1.5	7.6
South Carolina	30	100.0	23.3	70.0	3.4	3.3
Tennessee	38	100.0	31.6	60.5	2.6	5.3
Virginia	62	100.0	43.6	37.1	4.8	14.5
Population-Size Group						
250,000 and over	17	100.0	5.9	82.3	11.8	0.0
100,000 to 249,999	33	100.0	21.2	72.7	0.0	6.1
50,000 to 99,999	61	100.0	21.3	70.5	8.2	0.0
25,000 to 49,999	137	100.0	35.8	56.2	0.7	7.3
Less than 25,000	310	100.0	49.1	39.3	1.6	10.0
Region	558	100.0	39.8	50.2	2.3	7.7

^aSheriff assists municipal police only when called or when he witnesses violation.

Source: Questionnaire.

departments are well developed and there is little need for the sheriff to become involved within a municipality unless he is called by municipal police officers or unless he witnesses a violation within the municipality.

In order to gain additional information concerning relationships between sheriffs and municipal police officers, those 165 sheriffs included in the interview sample were asked about the degree to which they actually made criminal investigations within municipalities. The results are summarized in Table 79 for each county population-size group. Within each

Table 79

INVESTIGATIVE PRACTICES WITHIN MUNICIPALITIES BY THOSE
SHERIFFS' DEPARTMENTS WHICH MAKE CRIMINAL INVESTIGATIONS,
BY 1960 COUNTY POPULATION-SIZE GROUP,
ELEVEN SOUTHERN STATES, 1967

County Population-Size Group	Sheriffs Responding		Percent Investigating Within Municipalities				Percent Not Inves- tigating Within Municipalities
	Number	Percent	Always	Usually	Occasion- ally	Upon Request or Complaint	
250,000 and over	7	100.0	28.6	0.0	14.3	28.6	28.5
100,000 to 249,999	22	100.0	4.6	9.1	13.6	63.6	9.1
50,000 to 99,999	38	100.0	7.9	10.5	5.3	68.4	7.9
25,000 to 49,999	42	100.0	2.4	11.9	7.1	71.5	7.1
Less than 25,000	41	100.0	29.3	9.8	2.4	48.7	9.8
All Groups Combined	150	100.0	12.7	10.0	6.7	61.3	9.3

Source: Interview.

group the predominant practice was for the sheriff to make criminal investigations only when requested by municipal officers or when a citizen complaint was filed directly with the sheriff. Sheriffs in counties having 250,000 or more inhabitants did not participate in municipal criminal investigations to the extent that sheriffs did in counties having a smaller number of inhabitants.

All interviewed sheriffs in counties having incorporated municipalities reported that they cooperated with municipal police departments.⁶ When asked to describe the ways in which they cooperated, 38 percent reported no specific kinds of cooperation. Among the 62 percent giving specific answers, cooperation in criminal investigations was the most frequently cited example. Less frequently cited illustrations were these: serving warrants and making arrests; sharing men, equipment and facilities (particularly radio and other communications facilities); assisting in traffic control; helping in vice raids; and giving assistance in quelling riots and public disorders.

In view of the potential for disagreement and friction, it is surprising that only a little more than 10 percent of the interviewed sheriffs reported the existence of any problems with municipal police departments. Those reporting problems cited jurisdictional disputes and personality conflicts more frequently than any other difficulty. For example, several sheriffs reported that the municipal police did not do their fair share of policing within municipalities.

Relationships With County Police

In Georgia, Kentucky, North Carolina, South Carolina and Virginia, the traditional system of rural law enforcement has been modified in some instances by the establishment of county police agencies which possess jurisdiction throughout the entire county or, sometimes, in only its unincorporated portion. These county police agencies, however, are wholly independent of county sheriffs' departments. Since legal provisions

⁶Of the 165 interviewed sheriffs, 5 reported that there were no incorporated municipalities within their counties.

governing the creation of independent county police departments, the appointment of their personnel and the limits of their authority vary from state to state and even among counties within a single state, they are not detailed here. At the time of this survey (spring, 1967) county police departments independent of the sheriff's control were known to exist in 20 Georgia counties,⁷ 4 Kentucky counties,⁸ 2 North Carolina counties,⁹ at least 2--and perhaps more--South Carolina counties,¹⁰ and 5 Virginia counties.¹¹ Additionally, a very small county highway patrol, under the supervision of the county governing board, was in existence in at least one Mississippi county.¹² Where independent county police departments exist, the sheriff usually ceases to perform a major law enforcement role, becoming instead primarily a server of civil process, a jail administrator and perhaps a tax collector.

⁷Bibb, Brooks, Bullock, Chatham, Clarke, Clayton, Cobb, Coweta, DeKalb, Dougherty, Floyd, Gynn, Greene, Gwinnett, Harris, Henry, Muscogee, Polk, Ware and Wayne counties. This listing, as well as that for the other states, was furnished by Russell Arend, Associate, Safety Division, Automotive Safety Foundation, Washington, D.C. Mr. Arend compiled this list in connection with a study of traffic accident investigation responsibilities of county law enforcement agencies.

⁸Campbell, Fayette, Jefferson and Kenton counties.

⁹Gaston and Mecklenberg counties.

¹⁰Charleston and Horry counties. Authority for the creation of independent police departments exists also in Florence, Marion, and Oconnee counties, but no such departments were reported either by Mr. Arend (see fn. 7) or by the sheriffs in two of these counties which were included in the interview sample. In several additional counties the sheriff is authorized to appoint and to supervise county policemen.

¹¹Arlington, Chesterfield, Fairfax, Henrico and Prince George counties.

¹²The chief criminal deputy sheriff of Hinds County reported such patrol at the time of the interview. It is possible that similar county patrols existed in some of the counties whose sheriffs were not interviewed.

Among the 165 interviewed sheriffs, 14 served counties in which there were independent county police agencies.¹³ Of these 1 was in North Carolina, 2 in South Carolina, 3 in Kentucky and 4 each in Georgia and Virginia. By county population-size group, the distribution was as follows: 4 in counties having 250,000 or more inhabitants, 6 in counties having less than 250,000 but at least 100,000 inhabitants, and 4 in counties having less than 100,000 but at least 50,000 inhabitants. All 14 sheriffs reported that they cooperated with the county police forces. While 5 sheriffs gave no specific examples of the ways in which they cooperated, 2 stated that they assisted the county police in traffic control and road patrol, 2 said that they sometimes cooperated with the county police in conducting criminal investigations, 4 revealed that they occasionally shared equipment with the county police and, 4 gave some other example of cooperative endeavors.

Only 3 of the 14 sheriffs stated that they had any sort of major problem with the county police departments. In two cases the problem involved duplication of activities and in one case it involved a personality conflict. It would appear from the interviews, then, that there was very little disagreement or friction between the sheriffs' departments and independent county police agencies.

Relationships With State Police

Each of the eleven southern states has established a highway patrol

¹³These 14 represent a little more than 42 percent of the 33 southern counties known to have county police departments. The number of policemen employed by county police departments in these 14 counties ranged from 11 to 289 and averaged approximately 110. The median, however, was only 55.

or a state police agency.¹⁴ The distinction between the two lies in the nature and extent of the powers conferred upon the agency rather than upon the name by which it is designated. State police agencies exercise general law enforcement powers throughout the entire state, whereas highway patrols have powers limited primarily to traffic law enforcement, driver licensing, and highway accident-prevention programs. South Carolina has both a state police agency (State Law Enforcement Division) and a highway patrol.¹⁵ Alabama, Arkansas, Kentucky, Louisiana and Virginia each has a state law enforcement organization whose statutory powers are so broad as to place the organization in the state police category rather than the highway patrol category.¹⁶ Mississippi and North Carolina have organizations which are primarily highway patrols but which may operate as state police agencies under certain circumstances.¹⁷ Florida, Georgia

¹⁴For a discussion of the origin and development of state police and highway patrol agencies in the South, see Weldon Cooper, "The State Police Movement in the South," The Journal of Politics, Vol. 1, No. 4 (1939), pp. 414-433. See also Bruce Smith, Police Systems in the United States, 2nd ed., revised by Bruce Smith, Jr. (New York: Harper and Row, Publishers, 1960), pp. 144-169.

¹⁵Code of Laws of South Carolina (1962) 46-854 and 53-3 et seq.

¹⁶Code of Alabama (1940), Recompiled, 1958, Tit. 36, sec. 58 (60); Arkansas Statutes (1947), Annotated, 42-408; Kentucky Revised Statutes, 16.060; Louisiana Revised Statutes, 40:1379; and Virginia Code (1950), 52-8. The fact that a state agency possesses broad powers to enforce criminal laws does not necessarily mean that the agency will exercise such powers. For example, both the Alabama Highway Patrol and the Kentucky State Police are concerned primarily with the enforcement of motor vehicle laws.

¹⁷The 1964 Mississippi Legislature substantially increased the law enforcement powers of the Mississippi Highway Safety Patrol and the 1968 Legislature reenacted the measure for another four years. Under the terms of this legislation, the general police powers granted to patrolmen can be exercised only upon authority and direction of the governor, by proclamation. Mississippi Code (1942), Annotated and Recompiled, sec. 8082.

In North Carolina, highway patrolmen may, "either upon their own motion or at request of any sheriff or local police authority, arrest persons accused of highway robbery, bank robbery, murder or other crimes of violence." They also possess power and authority to perform such duties as peace officers as may be directed by the governor. General Statutes of North Carolina, 20-188.

and Tennessee have agencies which are highway patrols only.¹⁸ While no state police or highway patrol has legally displaced the sheriff as the "chief law enforcement officer" of the county and while none can resort to the posse comitatus or "power of the county," it is a fact that the sheriff's law enforcement role is influenced to a large extent by the activities of the state police or highway patrol. Where the state police actively exercise general police powers, sheriffs tend to devote more and more of their time to civil duties, leaving the field of law enforcement more and more to state forces.

In response to the interview, 98 percent of the 165 sheriffs stated that they worked cooperatively with the state police or highway patrol within their counties. The remaining 2 percent said that they had little or no contact with the state forces. Among sheriffs reporting cooperation, a little more than one-third (34 percent) did not give specific examples of the ways in which they cooperated. Assisting the state forces in traffic accident investigation ranked first among the illustrations of cooperation offered by the other two-thirds, followed by the giving and receiving of assistance in criminal investigations, sharing of equipment and facilities (particularly radio facilities), assisting in traffic control, exchanging information, and assisting in serving warrants and making arrests. In several instances there was evidence that the sheriffs viewed the state police or highway patrol as a welcome source of support in times of special need such as periods of disaster or civil disorder. Moreover, the sheriffs recognized that the state police or highway patrols frequently maintain a crime laboratory, bureau of investigation or identification

¹⁸Florida Statutes Annotated, sec. 321.05; Georgia Code Annotated, sec. 92A-242; and Tennessee Code Annotated, 4-703.

section which is available to sheriffs' departments.¹⁹ Finally, sheriffs indicated that state police departments or patrols oftentimes provide valuable law enforcement training opportunities.

Although harmonious relationships are inherently more difficult to maintain among law enforcement agencies of the different levels of government than among associated law enforcement agencies at the same level of government, only 7 of the 165 interviewed sheriffs noted any real problems with respect to their relationships with the highway patrol or state police. Of these, 3 cited disputes brought about by overlapping jurisdictions, 2 listed personality conflicts and 2 enumerated some other problem. Thus it appears that major problems were largely nonexistent.

Relationships With Federal Law Enforcement Agencies

The nearest thing to a general police agency which the federal government has is the Federal Bureau of Investigation of the Department of Justice. The Bureau has investigative jurisdiction over all violations of federal laws with the exception of those which have been assigned to some other federal agency. In making investigations special agents of the FBI frequently contact local sheriffs' departments for information and assistance in matters involving interstate transportation of stolen motor vehicles, bank robberies, frauds, civil rights violations and so forth. Sheriffs also have more than occasional contacts with agents representing various units of the Treasury Department: (1) Internal Revenue Service (Alcohol and Tobacco Tax Division and Intelligence Division), (2) Bureau of Narcotics, and (3) United States Secret Service. Contacts

¹⁹Sometimes such unit is not maintained by the state police or highway patrol but by an independent state agency.

are had also with United States Post Office Inspectors and other federal law enforcement officers.

In the interview sheriffs were asked about the kinds of cooperation and the kinds of problems they experienced in their relation with the FBI and other federal law enforcement officers. With only one exception, each of the 165 sheriffs stated that he cooperated with the FBI. It may be significant, however, that 31 percent of those reporting cooperation did not give any specific example of the ways in which they worked cooperatively. The most frequently cited example of cooperation with the FBI (reported by slightly more than one-half of the sheriffs) was in the area of exchanging information. Another frequently cited example (40 percent of the sheriffs) involved working cooperatively in locating criminals, primarily persons wanted in connection with interstate transportation of stolen motor vehicles or other property. Several sheriffs (approximately 10 percent) indicated that they sometimes sent evidence to the Bureau's crime laboratory for examination and analysis. Only a very few sheriffs indicated that they sent men to the National Police Academy, which is run by the Bureau, but several indicated that the Bureau assisted in local training efforts.

As far as federal agencies other than the FBI, the Alcohol and Tobacco Tax Division of the Treasury Department was the only one mentioned by any significant portion of the interviewed sheriffs. Approximately 10 percent indicated that they worked closely with this division. No particular patterns of cooperation were observable, however, either among states or among county population groups.

Among the 165 interviewed sheriffs only 8 said that they sometimes had problems with the FBI. Such problems centered around inadequate

communications and personality conflicts. For example, 2 sheriffs--in separate states--reported: "We do the work, they [FBI] get the credit." Others stated that FBI agents were eager to ask for information but reluctant to disclose information. As noted, however, these expressions of dissatisfaction were negligible in terms of the total response. Far more common were statements commending the special agents. In fact, the responses indicated that sheriffs generally held the FBI in high esteem.

Chapter VIII

MAJOR PROBLEMS AND NEEDED CHANGES

This chapter is concerned primarily with the opinions of interviewed sheriffs on two subjects: (1) the single most important law enforcement problem confronting their departments and (2) changes in law and/or procedure which would most improve the law enforcement effectiveness of their departments.¹ The discussion in no way reflects an assessment by the authors or by any authority in the field of rural law enforcement.

Problem Areas

While sheriffs stated their primary law enforcement problem in a wide variety of ways, each problem fell into one of eight areas: manpower and finance, specific crimes and misdemeanors, the courts, public apathy and disrespect for the law, juvenile delinquency, domestic disputes, race relations, and miscellaneous problems. Five of the 165 interviewed sheriffs refused to comment on their problems and three were unable to define a single most important problem.

Manpower and Finance

Lack of sufficient personnel and/or funds to meet the demands of their offices was cited as the number one problem by 27 percent of the sheriffs in the interview sample. Sheriffs frequently reported salary scales so low as to make it impossible to attract and to keep personnel of the caliber they considered essential to professional law enforcement. Moreover, they reported that insufficient funds resulted not only in inadequate numbers of law enforcement officers but also in inadequate

¹These interview questions were purposely left open-ended since it was felt that the suggestion of alternatives might influence the results.

equipment and training opportunities. One sheriff, apparently in a particularly acute situation, summarized the matter by saying that twentieth century sheriffs oftentimes were being forced to carry out an eighteenth century operation. While this is surely an overstatement, it does serve to dramatize the problem.

Although personnel and/or funds may not be the single most important problem, it is certainly a significant problem among an even greater portion of the sheriffs than mentioned above. In response to another question, 73 percent of the interview sample reported that their manpower was inadequate and 52 percent reported that they did not possess sufficient equipment for effective law enforcement.

Crimes and Misdemeanors

A little less than one-fourth (24 percent) of the interviewed sheriffs listed a particular crime or misdemeanor as being their most important law enforcement problem. Robbery, burglary, and breaking and entering were listed most frequently as the most vexing problems, followed in order by drunkenness and driving while intoxicated, violation of liquor control laws, passing of bad checks, traffic violations, assaults, and homicides. In explaining why certain crimes were prevalent, sheriffs seemed to be keenly aware that the environmental situation heavily influenced the type of problems which they were encountering. They were quick to point out, for example, that location near a large urban center magnified the incidence of burglaries committed in the rural areas with which sheriffs were primarily concerned, that the presence of resorts and "summer homes" in the county resulted in an increase in break-ins and that the location of a "dry" county adjacent to a "wet" county created an especially difficult situation for law enforcement.

The Courts

Limitations imposed by the decision of the United States Supreme Court in the case of Miranda v. Arizona² was named as the primary problem by some 12 percent of the interviewed sheriffs. Where this decision was cited, sheriffs were quite outspoken in their conviction that the Court was favoring criminal interests over and above police interests by requiring law enforcement officers to advise a suspect of his constitutional and other rights and to provide him with a continuing opportunity to exercise those rights. Since this decision was mentioned even more frequently with respect to needed changes in law and/or procedure, statements typifying the opinions of a large segment of southern sheriffs will be presented later in connection with a discussion of needed changes.

Six sheriffs (3.6 percent of those interviewed) listed the generally "lenient" attitude of both state and federal courts toward persons accused of violating laws as being their most important law enforcement problem. These sheriffs not only indicated that courts were not strict enough in sentencing violators but they also expressed the view that courts did not render uniform justice, especially in the area of suspended sentence.³

²384 U.S. 436 (1966). Under the Miranda decision, the Court held that statements of a suspect in custody are inadmissible as evidence unless the suspect has received counsel or has waived his right to counsel. This means that prior to any in-custody interrogation, a suspect must be warned by the law enforcement officer that anything he says may be used against him in court. The suspect must be informed that he has the right to remain silent, the right to talk to a lawyer--either his own or one provided according to locally established provisions--prior to questioning, and the right to have a lawyer present during questioning. For additional details and a printed warning and waiver (consent to speak) which is believed to comply with the Court's requirements, see "An Analysis of Miranda v. Arizona," The National Sheriff, Vol. 27, No. 6 (Nov.-Dec., 1966), pp. 6 and 28.

³One sheriff went so far as to say that criminals frequently were aware of the attitudes of various courts and considered such attitudes in determining where they would commit their crimes: "It is like shopping. If you were a criminal where would you go? Probably to the area where you knew judges were easy."

Other court-related problems given number one status were the general slowness of the judicial process (0.6 percent) and the difficulty inherent in obtaining search warrants (0.6 percent).

Juvenile Delinquency

Juvenile delinquency--as expressed through vandalism, the commission of felonies, drinking, increasing use of drugs and hazardous operation of motor vehicles--was cited by a little more than 13 percent of those sheriffs who were interviewed. Delinquency was not listed so much because it was their most frequent problem but because it was the most difficult for them to handle. Perhaps the following statement made by one sheriff typifies responses on this point:

Juveniles seem to have been coddled. When they are apprehended, they feel that they should get special treatment. When they are incarcerated, they are difficult to handle. They defy authority and are belligerent.

It is noteworthy that sheriffs listing juvenile delinquency as their most serious law enforcement problem frequently placed a large measure of the blame on the courts. The following was perhaps the most serious indictment:

If a juvenile is arrested, the courts do nothing; he is arrested again and because he is considered a "first offender," he is let off again. By this time he is convinced that crime pays.

Domestic Disputes

Domestic problems were given primary importance by nearly 5 percent of the interviewees. Generally such problems involved fighting between husbands and wives, as well as issues attendant upon the neglect and non-support of minor children. In citing domestic problems, sheriffs observed that they frequently were called into a bad situation but were helpless to act since it was difficult to get one of the parties to sign a complaint

against the other. It should be noted that drunkenness was usually mentioned by the sheriff as being associated with domestic disputes.

Public Apathy and Disrespect for Law

Public indifference and widespread disrespect for law was listed as the single most important law enforcement problem by some 4 percent of the interviewed sheriffs. Where public apathy and disrespect was cited, sheriffs seemed to feel that it was of recent origin and that the courts must assume major responsibility for its development. It is significant, however, that not all sheriffs viewed the situation as being beyond their power to initiate corrective measures. One sheriff, for example, stated that the lack of respect for law and the accompanying demand for "rights without responsibilities" must be faced squarely by the law enforcement officer. According to this sheriff, the law enforcement officer must make his problems known to the public. In addition, he must pursue human and community relations and must have a positive program to present to the citizenry, especially to the youth.

Race Relations

Poor race relations was considered to be the most important problem by only approximately 2 percent of the interviewed sheriffs. Among these, the problem was conceived primarily in terms of civil rights activities and was presented more as a possibility than as a reality. One sheriff in a small rural county said that while the maintenance of good race relations was not necessarily his most important problem, it was certainly his most sensitive problem.

Miscellaneous Problems

Less than 4 percent of the interviewees listed problems which did

not fit one of the above areas. Examples of these independent responses included the inability of the sheriff legally to succeed himself in office and the requirement that the sheriff perform functions which are not related to law enforcement.

Summary

The distribution of sheriffs' responses as to their single most important law enforcement problem is summarized in Table 80. Since no particular patterns were observable, responses were not shown by state or by county population-size group.

Table 80

RELATIVE IMPORTANCE OF LAW ENFORCEMENT PROBLEMS
CONFRONTING SHERIFFS' DEPARTMENTS,
ELEVEN SOUTHERN STATES, 1967

Problem	Sheriffs Responding	Percent
Manpower and Finance	45	27.3
Crimes and Misdemeanors	40	24.2
The Courts	28	17.0
Juvenile Delinquency	22	13.3
Domestic Disputes	7	4.2
Apathy and Disrespect for Law	6	3.6
Race Relations	3	1.8
Other	6	3.6
Unspecified	3	1.8
No Response	5	3.0
Total	165	100.0

Note: Detail may not add to total due to rounding.

Source: Interview.

Needed Changes

Just as the statements of the 165 interviewed sheriffs in regard to their single most important law enforcement problem fell into several distinct categories, so did their statements of most needed changes in law and/or procedure. The categories were: need for reversal of recent United States Supreme Court decisions, adoption of stricter attitudes by the courts in imposing sentences, easier access to search and seizure, alteration of the structure of the office of sheriff, increased training, increased manpower and equipment, modernization of records and improved communications, and unrelated miscellaneous changes. Nine sheriffs would not offer any comment and 13 stated that they did not know what was most needed in order to improve the law enforcement effectiveness of their departments.

Reversal of Supreme Court Rulings

While 12 percent of the sheriffs cited arrest limitations imposed by the United States Supreme Court in the Miranda case as being their principal problem, nearly 40 percent said that a reversal of that decision was the most needed change.⁴ The following are typical of sheriffs' responses:⁵

⁴See footnote 2, this chapter, for a discussion of the Miranda decision. Some sheriffs also cited the earlier decision of the Court in the case of Escobedo v. Illinois, 378 U.S. 478 (1964). Like the Miranda decision the Escobedo decision imposed standards on the admissibility of confessions. Under the Escobedo decision, the right to counsel was held to begin as soon as an investigation ceases to be general and focuses on obtaining a confession from a particular suspect.

⁵Not all sheriffs, however, condemned the Miranda decision. One sheriff, for example, stated that he believed the Court was only making law enforcement officers do what they should have been doing all along. A few other sheriffs deplored the decision, but indicated that it was not fatal to their efforts.

When you give a suspect the right to have an attorney before you question him, it stops the investigation altogether.

The Miranda decision of the Supreme Court means that the department loses some good cases. This decision should be changed so that the professional criminal is not overprotected. The decision does not present a problem with the first offender; he usually will tell what he knows, even if the Miranda warning is used.

When you get through reading the statement as to a suspect's rights, a person would have to be a complete idiot to say anything. The Court gives much more protection to the individual than to the law enforcement agency.

With only two exceptions the interviewed sheriffs stated that they were familiar with the Supreme Court's opinion requiring law enforcement officers to warn a suspect of his constitutional and other rights at the time of arrest. Among the 163 sheriffs expressing knowledge of the opinion, 86 percent said that they and their deputies carried a wallet card with a printed warning and a waiver (or consent to speak) for use when taking a person into custody; 12 percent stated that they did not use wallet cards; and 2 percent indicated that they used some other form of printed warning. It would appear, then, that sheriffs are making a sincere effort to comply with the Court's opinion.

Easier Access to Search and Seizure

Increased freedom in the area of search and seizure was considered to be the most needed change in law and/or procedure by some 9 percent of the interviewed sheriffs. A portion of these expressed concern over what they felt to be unduly restrictive court decisions. One sheriff, for example, observed that court decisions with respect to arrest and questioning of suspects was not nearly as damaging to effective law enforcement as were decisions dealing with search and seizure. As in the case of the Miranda decision, sheriffs holding this view were of the very definite

opinion that the courts were overly zealous in protecting individual rights.

A second group of the sheriffs who cited the need for greater freedom in search and seizure did not criticize court decisions as much as they criticized procedural difficulties in obtaining search warrants. Of especial note was the fact that some sheriffs seemed to have great difficulty in securing search warrants during the night hours and on weekends. Where this was the case, sheriffs reported that they were tremendously handicapped in enforcing the law.

Structural Changes in the Office of Sheriff

Twelve sheriffs, or a little more than 7 percent of the interview sample, expressed the need for major legal changes altering the basic structure of their offices. Of these, 5 (one in Kentucky and four in Mississippi) observed that the presently combined offices of sheriff and tax collector needed to be separated if sheriffs were to function as true law enforcement officers; 4 (two in Kentucky and one each in Louisiana and Mississippi) indicated that the fee or fee-related system of operating their offices should be eliminated so that they could devote themselves to police work rather than to the performance of activities which generate fees; and 3 (two in Mississippi and one in Tennessee) stated that tenure restrictions needed to be repealed.

Increased Training

Increased training for themselves and their deputies was reported as the most needed change by nearly 7 percent of the interviewed sheriffs. The following are typical statements with respect to the need for training:

The days when a man could do police work without training are past. The only way to improve law enforcement is to improve the law enforcement officer.

Education and training for sheriffs and deputies is essential. I would like to send some of my deputies to school; but, if I did so, I would not have sufficient personnel to carry on with the work while the deputies were away.

In discussing the need for more training, sheriffs frequently mentioned that the lack of training was directly related to a lack of financial resources.

Adoption of Stricter Attitudes by Courts

A little more than 9 percent of the interviewees stated that a change in court attitudes, resulting in stricter sentences for law violators, was the one thing that was most needed if law enforcement was to be truly effective. These sheriffs seemed to be of the opinion that their efforts in apprehending felons and making investigations were to no avail when the courts tended to impose only the minimum sentence. One sheriff in a state where judges are elected stated that the problems of law enforcement were increased critically when, because of the judges, "you have too many persons outside of jail who should be behind bars." The consensus among sheriffs advocating a less lenient attitude on the part of the courts was that judicial bodies seem to be more concerned with the effect of imprisonment on an individual than they are with the protection of society. Apparently these sheriffs believe that stiff sentencing is an effective deterrent to crime.

Increased Men and Equipment

Increased men and/or equipment was listed by a little less than 5 percent of the sheriffs as being the change which would most improve the law enforcement effectiveness of their departments. The adequacy of manpower and equipment was discussed in connection with departmental problems, and need not be repeated here.

Improved Records and Communications

Slightly less than 4 percent of the sheriffs who were interviewed observed that the law enforcement effectiveness of their departments would be much improved by the modernization of records and/or communication systems. The need for more complete exchange of information among all law enforcement officers throughout their respective states was mentioned most frequently by those sheriffs whose responses fell into this category.

Miscellaneous Changes

An answer which would not fit into any of the above classifications was given by nearly 10 percent of the interviewees. Examples of needed changes, each of which was listed by only one sheriff, include such things as rewriting of laws to clarify legislative intent, making another officer responsible for jail operation, and holding a referendum on the legal sale of alcoholic beverages.

Summary

The distribution of sheriffs' responses concerning changes which would most improve the law enforcement effectiveness of their departments is set out in Table 81. With the exception of structural changes affecting fees, tenure and the combined offices of sheriff-tax collector, there was no particular pattern by state. Similarly there was no evidence that responses were in any way related to the population of the county served by the sheriff.

Table 81
RELATIVE IMPORTANCE OF CHANGES NEEDED TO IMPROVE
LAW ENFORCEMENT EFFECTIVENESS OF SHERIFFS'
DEPARTMENTS, ELEVEN SOUTHERN STATES, 1967

Needed Change	Sheriffs Reporting	
	Number	Percent of Total
Reversal of Supreme Court Rulings	65	39.4
Easier Access to Search and Seizure	15	9.1
Structural Changes in the Office of Sheriff	12	7.3
Increased Training	11	6.7
Adoption of Stricter Attitudes by Courts	10	6.1
Increased Men and Equipment	8	4.8
Improved Records and Communications	6	3.6
Other	16	9.7
Unspecified	13	7.9
No Response	9	5.5
Total	165	100.0

Note: Detail may not add to total due to rounding.

Source: Interview.

A P P E N D I X E S

Appendix A

THE QUESTIONNAIRE

Budget Bureau No. 43-567002
Approval Expires 12-31-67



REQUEST FOR INFORMATION

National Sheriffs' Study—Southern Region



State.....County.....

Sheriff.....
(last name) (first name) (middle initial)

1. What is the total amount of time you have served as sheriff (including all previous terms, if any)?
Years..... Months.....

2. Did you have any law enforcement experience prior to assuming the office of sheriff for the first time?
Yes..... No.....

If yes, indicate each law enforcement position you held and the dates of your service therein. Include any service as deputy sheriff. Position..... Dates: from..... to.....
from..... to.....
from..... to.....
(If additional space is needed, please attach a separate sheet.)

3. What was your regular occupation prior to becoming sheriff?

4. What was your age (nearest birthday) when you first assumed the office of sheriff?
Age when you began your present term?

5. Please circle the number of the last year of education you have completed.
Elementary High School College
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 more than 16

Do you have a high school diploma? Yes..... No.....

If you attended college, please specify your major field of interest.

Circle the kind(s) of degree(s) you hold, if any. Associate Bachelors Masters Doctors Other

6. Have you ever held another elective public office? Yes..... No.....

If yes, list each such office and the dates you served therein.

Office..... Dates: from..... to.....
from..... to.....
from..... to.....
from..... to.....
(If additional space is needed, please attach a separate sheet.)

7. Estimate the percentage of your department's work which is concerned with the following (the figures entered should add to 100):

..... LAW ENFORCEMENT including (but not limited to) apprehension and detention of law violators, prevention and suppression of crime, maintenance of the peace, and patrol
..... TRAFFIC DUTIES including (but not limited to) control, direction and accident investigation
..... COURT SERVICES including (but not limited to) furnishing bailiffs, summoning jurors, and the service and return of process—both civil and criminal
..... JAIL DUTIES
..... TAX COLLECTION
..... OTHER Specify:

8. Indicate the number of employees in your department as of April 1, 1967. Do not include temporary, auxiliary or volunteer personnel.

SWORN DEPUTIES (all ranks) CIVILIAN EMPLOYEES
..... full time full time
..... less than full time but at least half time less than full time but at least half time
..... less than half time less than half time

9. Are your deputies covered under a civil service (merit) system administered by a commission, board or agency independent of the sheriff? Yes..... No.....
If yes, check the appropriate system. County..... City-county..... State..... Other.....
10. Are applicants for full-time deputy required: to meet established minimum standards? Yes..... No.....
to pass a written examination? Yes..... No.....
to pass an oral examination? Yes..... No.....
to pass a physical examination? Yes..... No.....
Is the "rule of three", "rule of five", etc., followed in making deputy appointments (i.e., appointments must be made from either among the top three or top five job candidates ranked on the basis of their examination scores)? Yes..... No.....
11. Do deputies normally serve a probationary period after initial appointment? Yes..... No.....
If yes, what is the length of the probationary period?
12. Must the appointment of deputies be approved by any governing board, agency or official other than the sheriff? Yes..... No.....
If yes, by whom?
13. Do you have full authority to dismiss your deputies? Yes..... No.....
If no, explain.
14. Other than chief deputy or undersheriff, are there various deputy ranks (sergeant, etc.) within your department? Yes..... No.....
If yes, what is the present monthly salary paid full-time deputies of the lowest rank?
High \$..... Low \$..... Average \$.....
15. What is the present beginning monthly salary for newly appointed full-time deputies? \$.....
What is the present monthly salary paid all full-time deputies below the rank of chief deputy or undersheriff?
High \$..... Low \$..... Average \$.....
What is the monthly salary paid the chief deputy or undersheriff?
Maximum \$..... Minimum \$..... Present \$.....
16. Do you have full authority to fix the rate of pay of your deputies? Yes..... No.....
If no, how are deputies' salaries fixed?
17. How many hours per day (excluding overtime) do full-time personnel normally work? Deputies..... Civilian Employees.....
18. How many days per week do full-time personnel normally work? Deputies..... Civilian Employees.....
19. Are your full-time deputies covered by: social security? Yes..... No.....
a public retirement system? Yes..... No.....
20. Are your full-time deputies covered by a program providing payments for: accidental death? Yes..... No.....
a disabling injury? Yes..... No.....
21. During calendar year 1966, how many new full-time deputies were appointed to your department as a result of: vacancies in existing positions? the creation of new positions?
During the same year, how many full-time deputies left your department as a result of dismissal, resignation, or other cause?
22. Is basic law enforcement training made available to the sheriff: prior to assuming office? Yes..... No.....
soon after assuming office? Yes..... No.....
at regular intervals after assuming office? Yes..... No.....
If yes to any of the above, specify the agency or group which provides the training.
23. Does your department conduct a basic training course for newly appointed deputies? Yes..... (Approximate number of hours.....) No.....
If no, is such training provided by another agency or group? Yes..... (Approximate number of hours.....) No.....
If yes, specify the agency or group.

24. Does your department conduct periodic in-service training courses for deputies? Yes..... (Approximate number of hours.....) No.....
If no, is such training provided by another agency or group? Yes..... (Approximate number of hours.....) No.....
If yes, specify the agency or group
25. In your county is the sheriff responsible for operating the county jail? Yes..... No.....
If no, what officer or agency is responsible?
(If you answered NO to question 25, omit questions 26 through 30).
26. Do you personally serve as jailer? Yes..... No.....
Please indicate the number of persons assigned jail duties as of April 1, 1967. Do not include yourself; do not include trustees.
- | | Jailer | Guard | Matron | Cook | Other |
|-----------|--------|-------|--------|-------|-------|
| Full time | | | | | |
| Part time | | | | | |
27. How many persons were admitted to the jail (all causes) during calendar year 1966?
Of these, how many were charged with drunkenness?
How many persons were released from the jail during calendar year 1966?
What was the approximate average daily population of the jail during calendar year 1966?
28. Indicate the kind of payment you receive for the care and feeding of prisoners.
..... Actual expenses
..... A per-diem payment (\$..... per day)
..... A per-meal payment (\$..... per meal)
..... Other form of compensation (Specify.)
By whom is the payment made? County Other source (Specify.)
29. Do you maintain a residence in the jail? Yes..... No.....
Does one of your deputies maintain a residence in the jail? Yes..... No.....
30. Please indicate the date of construction and the present capacity (not occupancy) of the county jail or jails.
Date of construction Capacity.....
31. Does your department maintain regular, daily road patrols? Yes..... No.....
If yes, check the kinds of roads upon which such patrols are maintained.
..... County rural roads Interstate highways Other
..... State rural highways City streets Specify.
32. Are you required to prepare an annual budget request? Yes..... No.....
If yes, which of the following does the budget request cover?
..... All your department's activities Only certain activities
Specify.
33. If you are required to prepare a budget request, specify the amount of the budget for the current fiscal year.
\$.....
Also specify the officer(s), board(s), or agency(ies) which approved the budget.
34. Does your department make criminal investigations? Yes..... No.....
If no, what officer(s) or agency(ies) is primarily responsible for such investigations within the unincorporated part of the county?
35. Approximately how many felony arrests did your department make during calendar year 1966?
How many of these were made without a warrant?
36. Do you keep a record of known crimes committed in your county even though an arrest is not made? Yes..... No.....
37. Does your department maintain: a crime laboratory? Yes..... No.....
a photographic laboratory? Yes..... No.....
a fingerprint file? Yes..... No.....

38. If you maintain a fingerprint file, are fingerprints routinely forwarded to:
 the Federal Bureau of Investigation? Yes..... No.....
 a state agency or identification bureau? Yes..... No.....
 Do you have a definite policy regarding persons to be fingerprinted? Yes..... No.....
39. Indicate the number of vehicles your department operated as of April 1, 1967.
 Automobiles Airplanes Other
 2-wheeled motorcycles Helicopters Specify.
 3-wheeled motorcycles Boats
40. How many of the automobiles operated by your department were OWNED by:
 the county? the sheriff? the deputies?
 How many were LEASED by:
 the county? the sheriff? the deputies?
41. How many of the automobiles operated by your department were equipped with:
 a flashing blue light? a spotlight? a public address system?
 a flashing red light? a siren?
42. Does your department have a two-way radio communications system? Yes..... No.....
 If yes, how many of the automobiles operated by your department are radio-equipped?
 How many of the other motor vehicles are radio-equipped?
 Are radio-equipped motor vehicles able to communicate directly with each other? Yes..... No.....
43. If your department has a two-way radio communications system, is it linked with any other law enforcement agency? Yes..... No.....
 If yes, specify the agency.
44. If your department does not maintain its own radio network, do you have access to facilities maintained by another agency? Yes..... No.....
 If yes, specify the agency.
45. Does your department possess: a teletype transmitter? Yes..... No.....
 a teletype receiver? Yes..... No.....
46. If your department does not possess a teletype transmitter and/or receiver, do you have access to teletype facilities maintained by another agency? Yes..... No.....
 If yes, specify the agency.
47. Does your department possess special weapons and supplies for quelling a riot or civil disturbance? Yes..... No.....
48. How often do you (or a deputy) attend the meetings of your county governing body?
 Always..... Usually..... Infrequently..... When called..... Never.....
49. Where do you maintain your office? Courthouse..... Jail..... Other.....
50. Do you have a definite understanding with the municipal police department concerning law enforcement responsibilities within each municipality in your county? Yes..... No.....
 If yes, which of the following apply?
 The municipal police and the sheriff jointly enforce the law within the municipality
 The sheriff assists the municipal police only when called upon or when he witnesses a law violation within the municipality
 Other arrangement (Specify)

Questionnaire completed by:
 (Signature) (Title)

Date (use numbers): month..... day..... year.....

Use Enclosed Return Envelope Or Return To: Bureau of Governmental Research
 The University of Mississippi
 University, Mississippi 38677

THE INTERVIEW SCHEDULE

Budget Bureau No. 43-S67003
 Approval Expires 12-31-67



INTERVIEW SCHEDULE

National Sheriffs' Study—Southern Region



State..... County.....

Sheriff.....
 (last name) (first name) (middle initial)

1. Is this your first term as sheriff? Yes..... No.....
 If no, how many FULL terms have you served in addition to the term you are now serving?
 How many PARTIAL terms?
 What were the dates of each term? from to from to
 from to from to
 from to from to

2. Who was sheriff immediately preceding you?
 Was he (she) related to you in any way? Yes..... No.....
 If yes, what was the relationship?
 Did you serve as deputy during his (her) term? Yes..... No.....

THE NEXT QUESTION IS NOT APPLICABLE TO KENTUCKY, MISSISSIPPI OR TENNESSEE

3. Is there any local custom in your county restricting the number of consecutive terms a sheriff may serve? Yes..... No.....
 Explain.

4. To which, if any, of the following law enforcement organizations do you belong?

.....National Sheriffs' Association
State sheriffs' association
State law enforcement or peace officers' association
International Association of Chiefs of Police
National Jail Association

If you belong to any other law enforcement organizations, please name them.

5. Indicate which of the following you rely upon in your efforts to keep abreast of changes in the law:
 county attorney read new laws
 district attorney talk to legislators
 attorney general other
 state sheriffs' association Specify.
 state law enforcement or peace officers' association

6. Do you have authority to retain an attorney to advise you on legal matters pertaining to your department? Yes..... No.....

If no, to whom do you usually turn for legal advice?

7. Indicate the method or methods you rely upon in recruiting candidates to fill deputy positions which become vacant or which may have been newly created:

.....do not recruit
rely upon the civil service (merit) system
rely upon personal knowledge and friendshipsother
post announcements in public places Specify.
newspaper announcements
radio announcements
television announcements

8. Are applicants for deputy required to be residents of the county? Yes..... No.....

What is the minimum age for an applicant (if none, write NONE)?

What is the maximum age for an applicant (if none, write NONE)?

What is the minimum educational requirement for an applicant (if none, write NONE)?

If age and/or educational standards exist, by whom were they established?

.....SheriffCounty governing boardOther source

.....State legislatureCivil service commission Specify.

9. Do your full-time deputies normally wear uniforms? Yes..... No.....

If yes, how are the uniforms obtained?

.....The deputy pays for his own uniform

.....The uniform is furnished to the deputy (Specify source.)

.....The deputy receives an allowance for uniforms (Specify source.)

Are uniforms standardized throughout the state? Yes..... No.....

10. Is there a standard pay scale and system for deputy pay increases? Yes..... No.....

11. How frequently are your deputies required to work overtime? Never..... Occasionally..... Often.....

If deputies are required to work overtime, do they receive:

overtime pay? Yes..... No.....

compensatory time off? Yes..... No.....

12. Is there a standard policy for deputy vacations? Yes..... No.....

If yes, specify.

13. Is there a standard policy for deputy sick leave? Yes..... No.....

If yes, specify.

14. Are there various deputy ranks (such as sergeant, etc.) within your department? Yes..... No.....

If yes, specify the ranks.

15. If there are various deputy ranks within your department, which of the following things are considered in giving promotions (check all which apply)?

.....SeniorityNone of these

.....Evaluation of past performance Explain.

.....Results of competitive examination

16. During calendar year 1966, how many full-time deputies left the sheriff's department for each of the following reasons (if none, enter 0)?

.....ResignationPhysical disabilityReason not known

.....DismissalDeathNo record of separations

.....RetirementOther reasons

17. How many road patrol shifts do you regularly operate each day?

None..... One..... Two..... Three.....

IF NONE, PROCEED TO QUESTION 23

18. What are the hours of each road patrol shift (for example, 7 a.m. to 3 p.m.)?

Shift 1: to

Shift 2: to

Shift 3: to

19. How many men and vehicles normally are assigned to each patrol shift?

Men Automobiles Other Vehicles

Shift 1: to

Shift 2: to

Shift 3: to

20. During daytime hours, are most patrol automobiles manned by:

one person? two persons?.....

During nighttime hours, are most patrol automobiles manned by:

one person? two persons?.....

21. Are all patrol automobiles operated by your department painted the same color or colors?

Yes..... No.....

If yes, is this paint scheme standardized throughout the state?

Yes..... No.....

22. Estimate the approximate total mileage of the roads upon which you maintain regular, daily patrols.

This means total miles of road, not total amount of vehicle miles traveled.

23. Approximately how many vehicle miles did you and your deputies travel last year?

24. On which of these roads does your department investigate traffic accidents?

.....County rural roadsInterstate highwaysOther

.....State rural highwaysCity streets Specify.

If the department does not investigate traffic accidents, please check.

25. Are you responsible for operating the county jail? Yes..... No.....

IF NO, PROCEED TO QUESTION 30

26. How many of your jail personnel have received custodial training provided by:

the Federal Bureau of Prisons?

another agency?

Specify the agency.

27. Do you operate a prison: work farm? Yes..... No.....

rehabilitation unit? Yes..... No.....

road crew? Yes..... No.....

28. Do you have a work-release program which permits county prisoners who are "serving time" to work at their regular places of occupation by day but to remain confined at night or on weekends?

Yes..... No.....

If yes, briefly describe the program:

29. Do you have authority to reduce a prisoner's sentence for good behavior? Yes..... No.....

30. Does your department investigate crimes that are committed in your county? Yes..... No.....

IF NO, PROCEED TO QUESTION 36

31. Do you have a detective or investigative division? Yes..... No.....

If yes, how many men are employed as detectives or investigators?

32. With respect to criminal investigations within the unincorporated part of the county, which one of the following is true?

-The sheriff's department normally does not make investigations
The sheriff's department normally makes an investigation only when a warrant has been issued
The sheriff's department normally makes an investigation of all public offenses of which it has knowledge
None of these
- Explain.

33. Does your department ever investigate felonies committed within a municipality?

Yes..... No.....

Explain.

34. Does your department possess and use: a polygraph or "lie detector"?
 fingerprinting equipment?

Yes..... No.....
 Yes..... No.....

35. Does your department possess laboratory equipment enabling it to make:

ballistic examinations? Yes..... No.....
 microscopic examinations? Yes..... No.....
 chemical analyses? Yes..... No.....

If no to any or all of the above, is there another crime laboratory to which you have access?

Yes..... No.....

If yes, specify the organization which operates the laboratory (for example, state police, municipal police, private agency).

36. What photographic equipment and facilities, if any, are possessed by your department (if none, write NONE)?

37. What kinds of special weapons and supplies, if any, do you have for quelling a riot or civil disturbance (if none, enter 0)?

.....Tear gas and masks Riot clubs Other
Shot guns Protective head gear Specify.
Automatic weapons

38. Does your department have a dog corps?

Yes..... No.....

39. Does your department participate in the Law Enforcement Teletypewriter Service (LETS System)?

Yes..... No.....

If no, why?

40. Does your department have access to a computer?

Yes..... No.....

If yes, what is its principal function so far as your department is concerned?

What other functions does it serve?

If you have access to a computer, is it connected with a statewide computer system?

Yes..... No.....

41. Are you and your deputies familiar with the recent United States Supreme Court opinion requiring law enforcement officers to warn a suspect concerning his constitutional and other rights and to provide him with a continuing opportunity to exercise those rights?

Yes..... No.....

If yes, do you and your deputies carry any sort of wallet card with a printed warning, waiver, and certification to be used when taking a person into custody?

Yes..... No.....

42. Where an arrest is made, do you keep a record showing:

the kind of offense? Yes..... No.....
 the disposition of the case? Yes..... No.....

43. Approximately how many court papers and processes were handled by your department during calendar year 1966?

Of this total, about how many were related to: civil proceedings?
 criminal proceedings?
 unable to distinguish?

44. Approximately how many times, if any, have you attended a law enforcement conference, institute or short course conducted by (if none, enter 0):

.....the National Sheriffs' Associationthe FBI
your state sheriffs' associationa college or university
your law enforcement or peace officers' associationother agency or group
the state police or highway patrol
a municipal police department

45. What kind of orientation training, if any, is made available to newly appointed deputies?

.....NoneLaw of arrest
General coverage of dutiesLaw of search and seizure
FirearmsInterrogation
Self defenseRules of evidence
First aidCourt testimony
Traffic lawControl of riots and civil disturbances
Traffic accident investigationOther
Criminal lawSpecify.
Criminal investigation

Is this training usually provided by your department or by another agency or group?

.....My department
Other agency
Specify.

46. What kind of regular in-service training, if any, is made available to deputies?

.....NoneLaw of arrest
General coverage of dutiesLaw of search and seizure
FirearmsInterrogation
Self defenseRules of evidence
First aidCourt testimony
Traffic lawControl of riots and civil disturbances
Traffic accident investigationOther
Criminal lawSpecify.
Criminal investigation

Is this training usually provided by your department or by another agency?

.....My department
Other agency
Specify.

47. In your opinion, is an adequate amount of training and instructional material made available to you and your deputies?

Yes..... No.....

If no, how do you think the situation could be improved?

48. Estimate the percentage of total personnel time normally devoted to each of the following (the figures should add to 100):

-OPERATIONS, including patrol, investigation, traffic, service of process, tax collection, and so forth
-ADMINISTRATION, including records, budgeting, maintenance, and so forth
-AUXILIARY DUTIES, including jail operations, communications, court support, public relations, identification, training, and so forth

49. In assigning tasks to your deputies, which of the following is true?

-Rely more heavily upon ORAL instructions than upon WRITTEN instructions
-Rely more heavily upon WRITTEN instructions than upon ORAL instructions
-Rely about evenly upon oral and written instructions

50. What kinds of public relations techniques do you employ (check all which apply)?

-Periodic reports
-Newspaper releases
-Speaking engagements
-Radio programs
-Television programs
-Pamphlets and brochures
-Tours of department and/or jail
-Displays and demonstrations
-Organization of auxiliary units
-None of these
-Other

Specify. _____

51. Has any volunteer, auxiliary unit(s) been organized in your county? Yes..... No.....

Identify each such unit (for example, sheriff's posse, junior deputies, etc.); estimate its membership; and indicate whether its members wear uniforms.

Name or Kind of Auxiliary Unit	Number of Members	Uniform	No Uniform
.....	()	()
.....	()	()
.....	()	()

52. In what ways (if any) do you work cooperatively with other sheriffs' departments?

What kinds of problems (if any) do you have with other sheriffs' departments?

53. In what ways (if any) do you work cooperatively with the constable and/or marshal?

What kinds of problems (if any) do you have with the constable and/or marshal?

54. In what ways (if any) do you work cooperatively with the municipal police?

What kinds of problems (if any) do you have with the municipal police?

55. In what ways (if any) do you work cooperatively with the state police and/or highway patrol?

What kinds of problems (if any) do you have with the state police and/or highway patrol?

56. In what ways (if any) do you work cooperatively with the FBI and/or other Federal law enforcement officers?

What kinds of problems (if any) do you have with the FBI and/or other Federal law enforcement officers?

57. In what ways (if any) do you work cooperatively with the courts and prosecuting attorneys?

What kinds of problems (if any) do you have with the courts and prosecuting attorneys?

58. In your county is there a county police force independent of the sheriff's department?

Yes..... No.....

If yes, by whom is it controlled?

What is the approximate size of the force?

59. If there is a county police force independent of your department, indicate the ways (if any) in which you work cooperatively.

What kinds of problems (if any) do you have with the independent police force?

60. What kinds of law enforcement records do you keep? (For example, records of complaints, investigations, arrests, etc.)

61. Do you feel that the records systems of law enforcement officers should be standardized throughout the state? Yes..... No.....

Explain.
.....
.....

62. In your opinion, what is the single most important law enforcement problem confronting your department?

Why?

63. What changes in law or procedure do you think would most improve the law enforcement effectiveness of your department? (Be specific)

64. In your opinion does your department possess adequate: manpower? Yes..... No.....
equipment? Yes..... No.....

If no to either of the above, explain why.
.....
.....

BEFORE ASKING THE FINAL QUESTION, PLEASE ADVISE THE SHERIFF THAT HE NEED NOT ANSWER UNLESS HE WISHES. The purpose of the question is to establish the political relationship that exists between the sheriff and the county governing board. The relationship may affect the board's responsiveness to requests (fiscal and otherwise) made by the sheriff.

65. To what political party do you belong?
.....DemocratNone
.....RepublicanNo comment
.....Other (Specify.)
How many members of your county governing body belong to the same party to which you belong?
.....
How many belong to another party?

Interviewer

Interviewee

Place and Date
(city) (month) (day) (year)

PROJECT DIFFICULTIES, SUCCESSES AND
RECOMMENDATIONS FOR THE FUTURE

This appendix presents a brief description of difficulties and successes encountered in executing the project, as well as a statement of further efforts suggested by the project. Some of the difficulties and successes enumerated here have been mentioned previously in the introductory chapter of this report.

Difficulties and Successes

While the execution of this project was not without its difficulties and problems, the major goal of obtaining a mass of first-hand data descriptive of the characteristics and status of sheriffs' departments in eleven southern states was successfully realized. Thus both the Office of Law Enforcement Assistance and the National Sheriffs' Association have access to a new informational resource which may be used as a knowledge base for planning, establishing and carrying out programs for improved county law enforcement.

Difficulties

Limitations on the amount of time allocated for this project made it impossible to complete the legal search prior to designing the questionnaire or to complete the questionnaire phase before initiating the interviews. Although it would have been desirable to have delayed the construction of the questionnaire until the research staff had finished its examination of state constitutions and statutes, its inability to do so did not result in any apparent major difficulties. This was true largely because the staff consulted with a select committee of four sheriffs, as well as

with the executive director and executive committee of the National Sheriffs' Association. These groups contained representatives from six of the southern states included in the survey: Alabama, Arkansas, Florida, Georgia, North Carolina and Virginia. The research staff itself possessed sufficient knowledge of the legal status of sheriffs in a seventh state, Mississippi.

The fact that limitations of time required the questionnaire and interview phases of the project to move concurrently rather than consecutively presented more serious problems than did the overlap between the legal search and questionnaire construction periods. For example, it was necessary to draw the interview sample and to design the interview instrument without benefit of the knowledge gained from the tabulation and analyses of questionnaire responses. Additionally, limitations of time and timing meant that the interview with sheriffs could not be utilized as a means of clarifying and/or extending particular questionnaire responses. This was a very definite handicap in executing the project since the number of respondents was so large as to make it impracticable to write individual letters seeking interpretation of questionable responses. The overall result, of course, was the elimination of some responses which could have been made usable if the interviewers had been able to discuss questionnaire responses with the sheriffs.

Like limitations of time, limitations in financial resources for a regional study of this magnitude resulted in some problems in executing the project. Within financial limitations it was impracticable to draw an interview sample as representative of the universe as the research staff would have liked. The need to recruit a qualified interviewer in each of the eleven states required that each state be assigned a sufficient

number of interviews to ensure a relatively attractive compensation level. As a result, the 165 interviews which were possible within available financial resources were apportioned equally among the states rather than in proportion to the number of sheriffs' departments. Within the states the interviews were distributed equally among sheriffs in five county population categories insofar as possible: 250,000 and over; 100,000 to 249,999; 50,000 to 99,999; 25,000 to 49,999; and less than 25,000. As a result, sheriffs in heavily populated counties were overrepresented in the interview sample. The problem of representativeness was recognized from the time the project was conceived and every effort (within the above limitations) was made to achieve a balance with respect to geographical location, area in square miles, and urban character of the counties whose sheriffs were interviewed, but complete representativeness cannot be claimed from such a sample.

Another difficulty encountered in executing the project was the general reluctance of sheriffs to respond to those interview questions which were open-ended in nature, particularly questions dealing with relationships between sheriffs and other law enforcement officers and agencies. Despite the fact that each interviewer had the backing of the National Sheriffs' Association and was also a resident of the state in which the particular interview was being conducted, it was difficult--if not impossible--to develop rapport between the interviewer and the sheriff to the extent that the sheriff would discuss these relationships freely.

Staffing presented some small measure of difficulty in carrying out the project. At the time the Law Enforcement Assistance grant was awarded, the project director, research director and secretary were ready to assume their respective roles. The research associate position, however, was not

filled until some two months later. About midway through the project, the project director accepted a position at another university, but no serious problems developed as a result of his departure since the research director was appointed project director.

Unanticipated delays required that the termination date of the project period be extended. No significant budget revisions resulted, however, since the University assumed responsibility for the salaries of project personnel during the extended period. Delays occurred primarily in three areas: (1) the mail questionnaire, (2) electronic data processing, and (3) the printing process. The questionnaire return was much slower than originally expected, thus necessitating the mailing of a second follow-up appeal. (This appeal resulted in a significant increase in returns.) At the time the project data was sent to The University of Mississippi Computer Center for punching, programming and processing, the Center staff was laboring under a heavy work load. Moreover, the project director experienced some minor difficulties in communicating program needs. Similarly, the University's Bureau of Administrative Services had a full schedule of activities at the time the project report was submitted to it for printing.

Several other problems were encountered in project execution, but these are common to all surveys of this type. For example, there was the problem of misinterpretation of questions by the respondents, the problem of inadequate response to particular questions, and the problem of lack of clarity with respect to statutes.

Successes

Perhaps the single greatest success experienced in executing the project was the high level of questionnaire return. The research staff

anticipated a 35 percent return but actually received completed questionnaires from 61 percent of the 972 sheriffs' departments in the eleven-state region. In only three states--Tennessee with 41 percent, Georgia with 43 percent and Mississippi with 48 percent--were questionnaires returned from less than one-half of the sheriffs' departments. In the remaining states, the return rate varied from 64 percent in Arkansas to 84 percent in Florida. Of particular significance is the fact that the response was well distributed both geographically and by county population size. This was true not only for the region as a whole but for each of the states individually.

The excellent response is especially noteworthy inasmuch as the questionnaire contained 50 questions (most of which contained two or more parts) on four 9½" x 12½" printed pages. The level of response clearly indicates that the questionnaire was relevant and did not place unreasonable demands upon the respondent. A large measure of the credit for the response, however, must be given to the active role played by the National Sheriffs' Association in publicizing the project and in promoting participation among member sheriffs. Allowing its emblem to appear on the questionnaire was especially valuable. The fine spirit of cooperation experienced in the questionnaire phase of the study was evident also in the interview phase. Only a very few of the 165 sheriffs originally chosen for interview were unable to participate at the time the interviews were scheduled. Where this occurred, replacements were secured with little difficulty.

Another major success in project execution was the cooperation which The University of Mississippi received from its sister institutions throughout the South. Through its relationships with both members of the Conference of University Bureaus of Governmental Research and departments of

political science, the Bureau of Governmental Research of The University of Mississippi was able to obtain the services of competent and responsible interviewers. Of the 13 interviewers, (two interviewers each were employed in Florida and Georgia) 8 possessed the Ph.D. degree and all were full-time members of the faculty or staff of an institution of higher learning within their respective states. Each interviewer possessed sufficient professional maturity to enable him to exercise the independent judgment required in scheduling and conducting interviews with busy sheriffs. Moreover, the knowledge and experience possessed by the interviewers necessitated a minimum of instruction and supervision from the project staff. Each interviewer recorded observations, opinions and judgments with respect to the interviews, and these proved valuable in interpreting responses.

Further Efforts Suggested by the Project

The present study of the office of sheriff in the southern region of the United States, while a self-contained, independent research effort, was conceived initially as the first phase of a full national study embracing sheriffs' departments in each of the adjacent forty-eight states. As early as February, 1966, the National Sheriffs' Association adopted a resolution formally recognizing the need for a program designed for the betterment of the office of sheriff in the United States. The resolution emphasized that any such program should be preceded by a comprehensive and independent nationwide study. Moreover, the resolution requested The University of Mississippi to conduct such a study if funds could be secured under the Law Enforcement Assistance Act of 1965. Funds were obtained, however, only for a regional, pilot study reported in this publication. The need

for a nationwide survey of sheriffs' responsibilities, practices, capabilities, needs and problems remains urgent, and The University of Mississippi--through its Bureau of Governmental Research--remains willing to undertake the survey if funds are made available for this purpose.

Data realized from the regional study (plus data realized from any future national study) should be updated at periodic intervals. It is believed that the data will prove to be of such value and interest to the membership of the National Sheriffs' Association that the Association will be stimulated to pursue such a course of action. Obviously, the Association would be more directly interested in updating national data than purely regional data, for its interests are national rather than regional in scope.

The regional study was limited to fact-finding, and the research staff was specifically prohibited from making recommendations concerning the structure and operation of sheriffs' departments. Such prohibition, however, does not prevent the research staff from pointing out certain areas in which depth studies are sorely needed. The following list of areas contains no priorities and is neither exhaustive nor restrictive:

- relationships, both formal and informal, between sheriffs and other law enforcement officers
- training needs, programs and opportunities for sheriffs and their deputies
- personnel selection standards and recruiting techniques
- manpower and equipment needs
- jail operation and care of prisoners
- communication systems and resources
- personnel turnover
- criminal investigation activities
- relationships between sheriffs and the courts, including prosecuting attorneys
- organizational structure of sheriffs' departments

Summary

Overall, the project was successful in producing much needed and heretofore unavailable data for sheriffs' offices in an eleven-state region and served to provide experience to conduct a similar study on a nationwide basis more effectively. It not only yielded information of immediate significance but also generated data which will provide a basis of comparison for future studies. Moreover, it served to identify areas in which depth studies are needed.

END