

## **"ROOTS"**

### **An Historical Perspective of the OFFICE OF SHERIFF**

By Sheriff Roger Scott, DeKalb County, Illinois

*Note: Sheriff Roger Scott presented the History of the Office of Sheriff at the NSA Annual Conference in St. Louis last month. The room was standing room only.*

When people hear the word sheriff some may think of Sheriff Andy Taylor of Mayberry, he was the model of community policing before the term was invented, or perhaps Sheriff Joe Arpaio of Maricopa Co. Arizona who wrote the book "America's Toughest Sheriff," or the Sheriff of Nottingham from the days of Robin Hood. What is your image of sheriff? We certainly hope it is a positive image of your local sheriff. As a member of the National Sheriffs' Association you know what a sheriff is, but where did the title come from, what makes the Office of Sheriff unique in law enforcement, why should it be called the Sheriff's Office not a Sheriff's Department, and why is it important to preserve its direct accountability to the citizens via the election process? It is the goal of this article to provide answers to all these questions.

The first of two important characteristics that distinguish the Office of Sheriff from other law enforcement units is its historical roots. In England, the sheriff came into existence around the 9th century. This makes the sheriff the oldest continuing, non-military, law enforcement entity in history. In early England the land was divided into geographic areas between a few individual kings – these geographic areas were called shires. Within each shire there was an individual called a reeve, which meant guardian. This individual was originally selected by the serfs to be their informal social and governmental leader. The kings observed how influential this individual was within the serf community and soon incorporated that position into the governmental structure. The reeve soon became the Kings appointed representative to protect the King's interest and act as mediator with people of his particular shire. Through time and usage the words shire and reeve came together to be shire-reeve, guardian of the shire and eventually the word sheriff, as we know it today.

The Office of Sheriff grew in importance with increasing responsibilities up to and through the Norman invasion of England in 1066. The duties of the sheriff included keeping the peace, collecting taxes, maintaining jails, arresting fugitives, maintaining a list of wanted criminals, and serving orders and writs for the Kings Court. Most of those duties are still the foundation of the sheriff's responsibilities in the United States. The responsibilities of the Office of Sheriff in England ebbed and flowed, depending on the mood and needs of kings and government. In 1215 the great document of freedom, the Magna Carta, was reluctantly signed by King John. This document had 63 clauses, 27 of which are related to the restrictions upon, as well as, the responsibilities of the sheriff. Through the passage of time, the English sheriff began to lose responsibility and power, and by the early 1800's it became largely ceremonial, as it remains today.

The concept of sheriff, because of the vast British Empire, was exported to places such as Canada, Australia, India, and, of course, the American Colonies. In America, the office was modified over a period of time to fit democratic ideals. The Dutch settled the area called New Amsterdam (what is now New York City) in 1624. The Dutch version of the sheriff was called a "schout." When the English claimed the land, the schout became the sheriff. In the other American colonies, following the pattern of English government, sheriffs were appointed. The first sheriff in America is believed to be Captain William Stone, appointed in 1634 for the Shire of Northampton in the colony of Virginia. The first elected sheriff was William Waters in 1652 in the same shire (shire was used in many of the colonies, before the word county replaced it.)

The sheriff's office in America was much less social, had less judicial influence, and was much more responsive to individuals than the English Sheriff. The duties of the early American Sheriff were similar in many ways to its English forerunner, centering on court related duties such as security and warrants, protection of citizens, maintaining the jail, and collecting taxes. As the nation expanded westward, the Office of Sheriff continued to be a significant part of law enforcement. The elected sheriff is part of America's democratic fabric. In 1776 Pennsylvania and New Jersey adopted the Office of Sheriff in their Constitution. The Ohio Constitution called for the election of the county sheriff in 1802, and then state-by-state, the democratic election of sheriff became not only a tradition, but in most states a constitutional requirement. In the United States today, of the 3083 sheriffs, approximately 98 percent are elected by the citizens of their counties or parishes.

The early American Sheriff was important to the security of the people, and was granted much power. Along the early frontier sheriff's administered punishment, not only conventional as we know it now, but also flogging, banishment, or execution by choking.

There were many sheriffs in the early west and a few did not live up to the standards of the badge they wore. Some sheriffs were indicted for abuse of power, drunkenness and/or corruption. The vast majority served with courage and distinction. One of the most unique stories revolves around Sheriff Henry Plummer who became Sheriff of Bannock, a mining camp in the Montana Territory, in 1863-64. He was the only sheriff that I am aware of who was hung by his constituents. He allegedly headed up a gang of robbers in addition to being sheriff. Historical research, however, indicates that he probably was a good Sheriff who was perhaps too effective and that is why he was hung by vigilantes.

In reviewing those who have served in the Office of Sheriff, there are many interesting individuals, such as, Augustin Washington, George Washington's father was Sheriff of Westmoreland County, Virginia in 1727, Wild Bill Hickock, Pat Garrett, Bat Masterson, Bill Tilghman, and many more.

Based on research for this article, I believe the longest serving Sheriff in the United States thus far has been Bernard Shackleton, Lunenburg County, Virginia. He served from 1904-1955, a total of 51 years, a truly impressive record.

In Illinois the longest serving Sheriff in history and current Sheriff of Johnson County is Ely Faulkner. Ely has served 36 consecutive years as Sheriff of Johnson County. Sheriff Duane Wirth of Boone County, like Ely is still serving with 32 consecutive years as Sheriff.

As mentioned in the beginning of this article there are two characteristics that distinguish the Office of Sheriff. The second characteristic that sets the sheriff's office apart from other law enforcement agencies is its direct accountability to citizens through the election of the Sheriff. The Office of Sheriff is not a department of county government, it is the independent office through which the Sheriff exercises the powers of the public trust. No individual or small group hires or fires the Sheriff, or has the authority to interfere with the operations of the office. Elected sheriffs are accountable directly to the constitution of their state, the United States Constitution, statutes, and the citizens of their county. The sheriff should naturally do his best to work with all entities because it is important in a democratic society. The sheriff must work with all segments of government to serve and protect the citizens of the county.

The preservation of the Office of Sheriff is vital in our republic. Outside a few elected town marshals, the Sheriff is the only head of a law enforcement agency in this nation that is accountable directly to the people of his /her jurisdiction. In 2010, the National Sheriffs' Association passed resolution 2010-1 that succinctly presents the reasons why the Sheriff needs to be maintained as an elected office as it has since the early history of our country.

I believe the office will be preserved as this great nation moves forward. Each of us as Sheriff can do our part to insure our contribution to the preservation of this great office by following these principals:

- Remember those sheriffs who have served in our counties and across the nation. Build on their success -- learn from their mistakes.
- Serve with Integrity.
- Do not abdicate Sheriff's responsibilities, duties, or management rights to other governmental entities, unions, or political influence. The sheriff alone stands directly accountable to citizens for quality of service of the Sheriff's Office.
- Know and fulfill the Sheriff's moral and statutory responsibilities.

The Sheriff and all those in law enforcement should never forget that he or she has a calling to be "a minister of God for good." Rom

13:4 For those who have the privilege of serving as a County Sheriff, it is truly a privilege and Honor to Serve.

#### **Bibliography/References/Sources**

The American Sheriff – David R. Stuckhoff

Justice Research Institute

Chicago/Joliet – 1994 p.28

Struckhoff, David R. with Scott, Roger A.

The American Sheriff

Justice Research, 306 N. Raynor Ave., Joliet, IL 60435 (1994) (2003)

Lennon, David U., Sheriff of South Wales, Australia, July 1, 1992

"A Millennium of Tradition" The Office of Sheriff

Sheriff –The National Sheriffs' Association, 1450 Duke St., Alexandria, VA, May-June (1992) p. 10-13; July-Aug (1992) p. 20-23; Mar-April (1993) p. 10-14; Mar-April (1994) p. 117; July-Aug (1994) p. 14

#### **Special Appreciation**

Retired Sheriff Johnny Mack Brown, Greenville South Carolina

Sheriff Michael Canning, Maryland Sheriffs' Association

Retired Sheriff Michael LaPaglia, Ulster County, New York

Retired Sheriff and US Marshal for New Jersey James Plousis

NSA General Counsel Richard Weintraub

*A special thanks to the Sheriffs of Virginia and the Illinois Sheriffs' Association.*