

FAQ about sheriffs, their powers, and the information I need to hold them accountable.



1. WHAT ARE THE DIFFERENCES BETWEEN SHERIFFS AND POLICE OFFICERS?

- Generally, a county's chief sheriff is elected, while police are not.
- Sheriffs typically have jurisdiction over an entire country, while police jurisdiction is typically limited to a city or town.
- Police usually report to a mayor or another elected official. Sheriffs typically have fewer checks on their power. <https://theappeal.org/the-power-of-sheriffs-an-explainer/>; <https://theappeal.org/politicalreport/sheriffs-and-policing-practices-the-badge/>

2. WHAT POWERS DO SHERIFFS HAVE?

- **Running the county jail:**
 - » Sheriffs usually run the county jail system. This can include having decision-making power regarding: maintaining jail conditions, use of solitary confinement, with what GPS monitoring company to contract, with what jail phone system company to contract, the issuing of jail write-ups that can effect individuals' sentences, etc. <https://theappeal.org/the-power-of-sheriffs-an-explainer/>
- **Individual discretion:**
 - » Sheriffs interpret the law as they choose to enforce it. They make split-second decisions about whether an action rises to the level of a public disturbance. They then get to choose whether they will give a verbal warning or arrest someone and bring them to jail.
 - » Sheriffs get to determine which areas to patrol, which effects which communities are likely to experience over criminalization. <https://theappeal.org/politicalreport/sheriffs-and-policing-practices-the-badge/>
- **Internal policies:**
 - » The sheriff is able to set internal policies: For example, in response to COVID-19, many sheriffs across Ohio expanded their "cite and release" policies, which directed sheriffs to NOT bring individuals to jail for certain charges, and instead provide them with a citation and a date to appear in court, similar to what happens during routine traffic stops. This type of internal policy undoubtedly saved lives in Ohio. But it could also be a standard policy outside of a global health crisis. These types of decisions are up to the sheriff or city council. <https://www.cleveland.com/coronavirus/2020/07/ohios-new-coronavirus-order-to-extend-mass-gathering-ban-health-rules-for-businesses.html>
- **Influencing external policies:**
 - » Many proposed reforms related to policing also apply to sheriffs, and sheriffs often choose to involve themselves politically when they agree or disagree with proposed changes. For example, in New York, sheriffs "emerged as a powerful voice against the state's bail reform." Similarly, in Ohio, the Cincinnati police union leader called for higher bail amounts. <https://theappeal.org/politicalreport/sheriffs-and-bail-reform-the-badge/> <https://www.cincinnati.com/story/opinion/2020/02/12/opinion-we-need-bail-reform-poverty-not-crime/4718359002/>
- **Helping ICE:**
 - » Sheriffs can choose to cooperate with ICE by honoring voluntary federal detainer requests. They can choose to join immigration raids. They can choose to arrest an individual instead of citing and releasing them, thereby giving ICE the opportunity to speak to or detain the accused person. <https://theappeal.org/politicalreport/the-badge-sheriffs-ice-in-jails/> What qualifications are required to be a sheriff?

3. WHAT QUALIFICATIONS ARE REQUIRED TO BE A SHERIFF?

- In many jurisdictions, because sheriffs are elected, there are few qualification requirements. However, Ohio does require a number of qualifications, including that the sheriff must hold either a valid peace officer certificate or has been employed full-time by a law enforcement agency for at least thirteen consecutive pay periods. While some jurisdictions have been questioned for allowing individuals to run for sheriff without a law enforcement background, other states, like Ohio, are questioned for requiring sheriff candidates to come from within the system. <http://codes.ohio.gov/orc/311.01>

4. HOW LONG ARE SHERIFF TERMS AND ARE THERE TERM LIMITS?

- In Ohio, Sheriffs are elected to terms of four years. Their terms begin on the first Monday in January after their election. There are no statutory term limits for sheriffs in the Ohio Revised Code. <http://codes.ohio.gov/orc/311>

5. HOW DO I FIND OUT WHO MY CHIEF SHERIFF IS?

- If you Google your county with the word “sheriff” you should be quickly able to learn who the chief sheriff is.

6. HOW DO I FIND OUT IF MY SHERIFF IS UP FOR REELECTION?

- Google your county with the word “sheriff,” and “election.” You should be able to determine the next election based either on that information being available, or adding four years to whenever the last election took place.

7. WHAT IS THE ACLU CAMPAIGN FOR SMART JUSTICE?

- The ACLU Campaign for Smart Justice is an unprecedented, multiyear effort to combat racism in the criminal legal system and reduce the U.S. jail and prison population by 50%. Smart Justice is fighting in the legislatures, the courts, in the voting booths, and in the streets to end mass incarceration by addressing: sentencing reform, bail reform, prosecutorial reform, parole and release, and re-entry. While pretrial decisions are often referred to as the door to the criminal legal system, policing and sheriff practices are the walkway to the door. Sheriffs may not have the power to directly create all of the changes we seek, but they have direct control over some and influence over many. We need to pay attention to sheriff races and make sure we know who we are voting for when we enter the booth (or fill out the absentee ballot)! <https://www.aclu.org/issues/smart-justice>

8. WHAT ARE IMPORTANT QUESTIONS TO ASK SHERIFF CANDIDATES?

- How will you work to reduce the number of people locked up in prisons and jails?
- Will you expand cite and release practices and if so, what would your new policy cover?
- Do you promise to not aid ICE in any way that is not required by law?
- Do you support bail reform?
- How will you work to ensure jails are never overpopulated?
- Do you support reducing tax dollars spent on jails and prisons?
- How will you combat racism in the criminal legal system?
- Will you promote transparency by sharing data, public information, and other policies with the public?
- Do you promise to not publicly oppose any criminal legal system reforms including: sentencing reform, bail reform, and prosecutorial reform? Would you support any of these reform efforts?

