

2021 REPORT

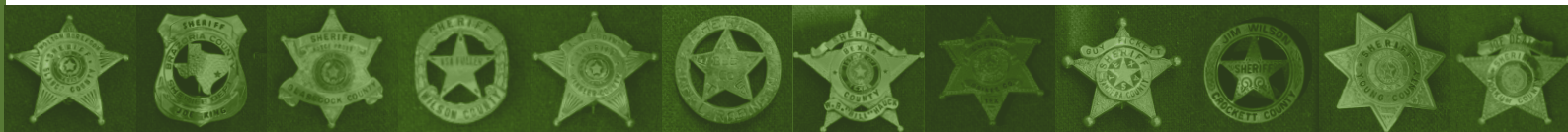
The Rural Texas Sheriff

A study of law enforcement in Texas' rural places

Introduction

Rural sheriffs are influential actors in Texas' criminal justice systems. As part of its 2019 Rural Criminal Justice Summit, the Deason Criminal Justice Reform Center convened a focus group of five sheriffs from rural Texas (Participating Sheriffs, Sheriffs, or Focus Group) who were responsible for policing large rural areas. In the Focus Group, Deason Center researchers asked about four key areas of the Sheriffs' work: (1) enforcing the law, (2) managing a jail, (3) navigating local politics, and (4) running for office. With the promise of anonymity, the Participating Sheriffs—four active and one retired—spent over two-and-a-half hours reflecting on how they managed these responsibilities in their rural jurisdictions.

This report highlights the Focus Group's observations about their work and their experiences. It summarizes the Participating Sheriffs' nuanced and thoughtful reflections about the roles they play in their local communities, and it chronicles their view of rural law enforcement—its challenges and its rewards. We hope this report deepens and enhances an understanding of who rural Texas sheriffs are, what they do, and why they are so important to the rural counties they serve.



What is a Sheriff?

A sheriff is a law enforcement officer (LEO) who has countywide authority.¹ Almost every county in the United States has a sheriff. And, the majority of U.S. counties are rural.² So, rural sheriffs occupy an important part in the law enforcement ecosystem, particularly in Texas where every county has some rural residents.³

As a law enforcement agency (LEA), a sheriff's office differs from most other United States LEAs.⁴ Because they are elected at the county level, sheriffs are almost always responsible for policing a mixture of urban, suburban, and rural areas.⁵ In contrast, most American LEAs serve at the municipal level, which means that most of their work is in urban areas.

Texas Sheriffs

*There shall be elected by the qualified voters of each county a Sheriff...*⁶

In Texas, as in most states, the office of county sheriff is established by the state constitution. But while sheriffs in most states have constitutionally prescribed duties and powers, the Texas legislature defines the duties and qualifications of Texas' 254 sheriffs.⁷

Nationwide, almost all sheriffs are responsible for some county law enforcement activities. In many places they are also responsible for jail management, correctional transportation, court security, tax collection, seizure of county-claimed property, service of process (civil and criminal), and other administrative tasks.⁸

In Texas, sheriffs "preserve peace" in their jurisdictions⁹ and serve as "the keeper[s] of the county jail[s]."¹⁰ They assist local prosecutors with criminal court cases,¹¹ provide court security, serve warrants and civil process, and transport inmates.¹² In some counties they also collect taxes and regulate bail bondsmen.¹³ In addition, they must stand for election every four years.¹⁴

Texas sheriffs are also subject to regulation by the Texas Commission on Jail Standards (TCJS), which sets and enforces minimum standards for the construction, maintenance, and operation of jails.¹⁵ TCJS performs annual compliance inspections with the threat of forced closure if a jail fails to meet state standards.¹⁶



Participating Sheriffs in National Context

While the Participating Sheriffs were drawn from rural Texas communities, they were, in many ways, typical of sheriffs across the nation. Like most sheriffs, they were white and male.^{17,18} All were elected in counties with populations of under 50,000 and population densities of under 60 people per square mile. None of their counties had a city or town with a population of over 15,000. (For comparison, Dallas County has a population of over 2.5 million and with a population density of over 3,000 people per square mile.¹⁹)

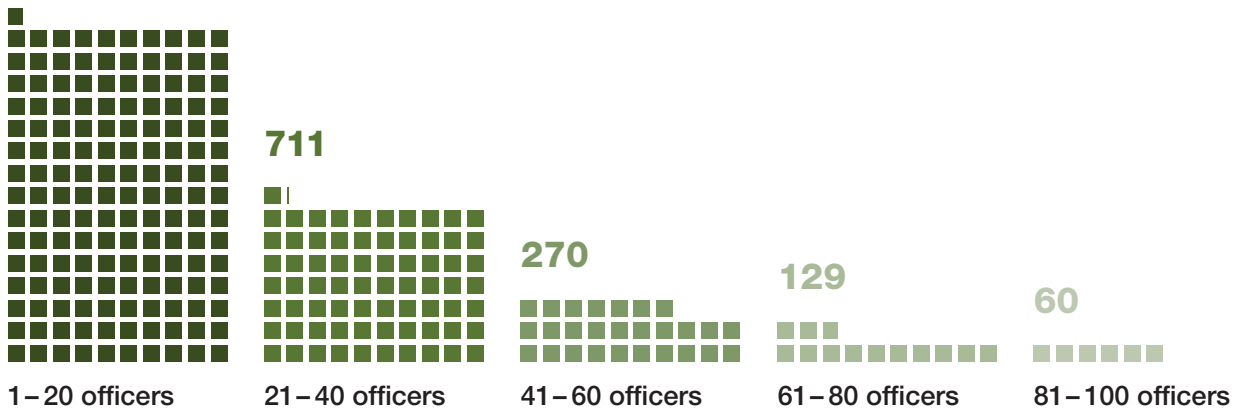
The Participating Sheriffs supervised agencies that employed between 20 and 80 sworn officers. According to the Bureau of Justice Statistics (“BJS”), this places their agencies close to the national average.²⁰ In 2016, slightly over half of U.S. sheriff agencies had fewer than 20 sworn deputies, and over 90% had fewer than 100 sworn deputies.²¹

DATA SNAPSHOT

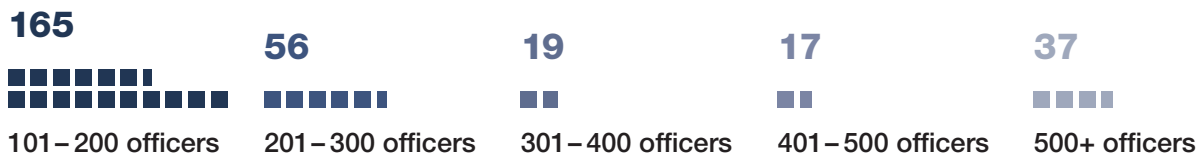
90% of county sheriff offices have **fewer than 100 sworn officers**

1,509 counties

Each ■ represents 10 counties



10% of county sheriff offices have **more than 100 sworn officers**



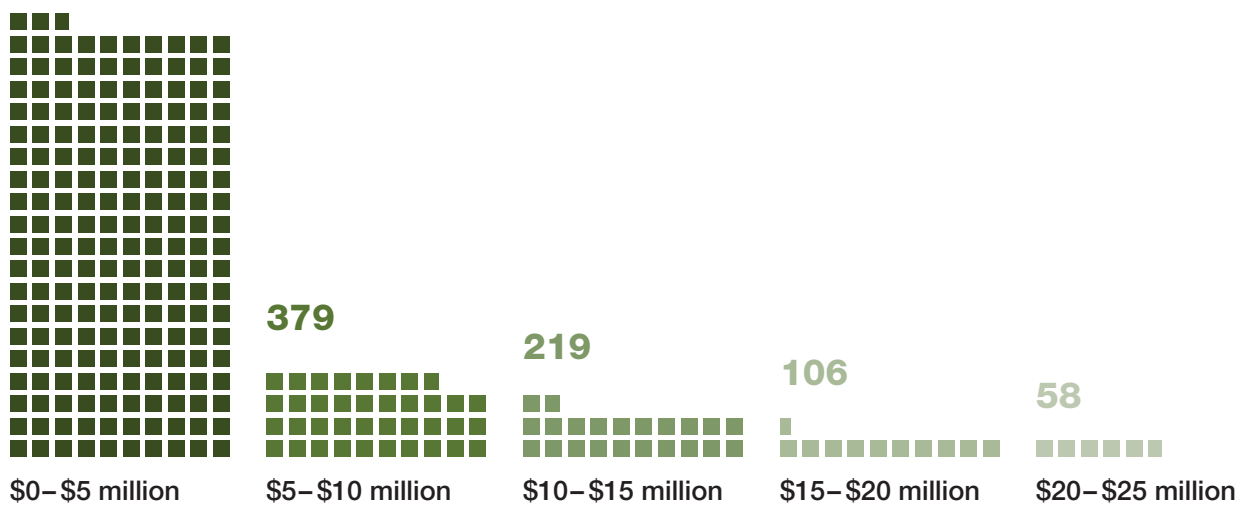
Among the Participating Sheriffs' offices, two had annual expenditures of less than \$5 million. None had annual expenditures of more than \$25 million. Again, this tracks national patterns—in 2016, close to 66% of U.S. sheriffs' offices had budgets of less than \$5 million, and 91% had budgets of under \$25 million.²²

DATA SNAPSHOT

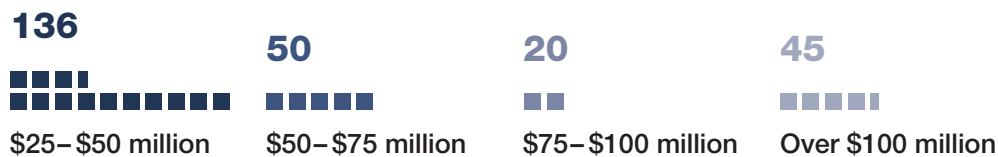
91% of county sheriff offices have **budgets lower than \$25 million**

1,928 counties

Each ■ represents 10 counties



9% of county sheriff offices have **budgets higher than \$25 million**



Enforcing the Law

You don't have to necessarily reinvent the wheel, but you have to modify the wheel to fit your operation.

Like LEOs in urban areas, rural sheriffs are responsible for enforcing the law. But rural LEOs “function as generalists, performing a wide variety of problem-solving, administrative, public service, and law enforcement tasks.”²³ In addition, rural sheriffs have to adapt to local circumstances. Urban policies and strategies may not work in rural environments.

One Participating Sheriff recalled a rural colleague who learned that lesson the hard way. The colleague had adopted a policy used by the sheriff of one of Texas' large urban jurisdictions. In the process, that rural sheriff made a commitment that his small department could not possibly honor.

I helped a county one time that had plagiarized some policies. This county probably has three deputies. I'm reading through and I stopped, and I looked up and I said, "Do y'all really have air assists? Because in your policy right here it says if you have an active manhunt, you're going to call out air support. Do you have that available?"

More routine policing practices may also need to be tailored to rural environments. For example, urban LEAs send often reinforcements to respond to domestic violence calls in case further violence erupts. But for rural sheriffs, those human resources simply are not available.

We've got a lot of counties that only have one deputy out patrolling at night. You can have a policy that says we're going

to send a minimum of 2 officers to a domestic dispute. [But either] you can't meet that policy or you're constantly calling somebody else in [from another county].

Although their limited resources may sometimes have left them overwhelmed, the Participating Sheriffs valued an important difference between their work and what they perceived as the more impersonal work of urban LEOs. The Participating Sheriffs and their deputies knew their communities well and often had personal relationships with the people they policed. Indeed, rural policing is sometimes called the original form of community policing.²⁴

The Participating Sheriffs indicated that, ideally, their deputies' familiarity with the people they were arresting should inform how the deputies handle their cases. However, as one Participating Sheriff noted, their deputies didn't always exercise discretion in the ways the sheriffs would have wanted.

I use this as an example of "don't be that guy." An officer makes a stop, traffic violation, headlight burned out. No big deal. The driver is upset. The officer knows who the driver is, they live in the same town, so it's not a secret where you'll find this person. The officer tries to give the citation, and the driver refuses to sign. Well, statutorily you could take them to jail for that. [But that case escalated and] ended up turning into a resisting arrest charge when the deputy had to physically remove her from the car. Was it worth it at the end of the day? Was it worth it to take this woman out of her car and take her to jail for a headlight violation because she wouldn't sign the ticket [when] you knew where to find her? Use your common sense.



The Participating Sheriffs noted other ways in which their personal relationships were important. For example, they described their agencies as more accountable than urban LEAs to respond in person to every call for police assistance. One Participating Sheriff explained that even if their office is overwhelmed, they still send a deputy to the scene of less serious crimes, even if the first-available deputy will not arrive until hours after the call.

I've seen times where calls kept coming in and maybe somebody called to report a burglary or a theft, and it was 6 or 8 hours [after the call before we could] get there. Now in a rural county, you're still going to go. [But if a civilian] has a burglary or theft in one of these major metropolitan areas— [they] call a number [and local LEOs] give [them] a case number. [They] don't even get a live response anymore.

One Participating Sheriff discussed how community standards about what constitutes criminal behavior can also complicate enforcement. He specifically cited the example of parental discipline. In his county, some residents punish their children in ways that are accepted within their own cultures, but may be child abuse under Texas law. In his words, “certain ethnic groups in our own communities—they have a hard time understanding why we’re arresting them” for punishing their children. As that Sheriff saw it, “in some countries, child abuse is acceptable” but it was his job to enforce Texas law, even if it conflicted with the parents’ values.

Despite these complications, the Participating Sheriffs emphasized that they did not rely heavily on rules or formal policies to guide their deputies. Instead, they trusted their deputies to use good judgment. If the deputies failed to do so, the Sheriffs addressed those problems with the power of personal example, rather than

with training, procedures, or protocols.

For example, one Participating Sheriff recalled an incident in which a deputy pulled an 18-year-old over for a traffic stop and smelled marijuana. Although the nervous teenager gave the deputy consent to search the car, the deputy did not find any marijuana. When the deputy returned to his patrol car to run the driver’s license and check for outstanding warrants, he reviewed the in-car video and saw the teenager “pull the little bag of marijuana out of his pocket and drop it on the ground.” The deputy then arrested the teenager for tampering with evidence, increasing the charge for this first-time offender from a Class B misdemeanor to a felony offense.

I had to end up having a department-wide meeting. And so I literally had to ask the whole group, “What would the Sheriff have done? Would I have taken something from a Class B misdemeanor to a felony?” I said, “If I would do that, I probably wouldn’t be the elected sheriff.” And I said, “Bottom line is: you’re the extension of me. You’re my right arm when I’m not there. And if you can’t operate under the law, and the intent of the law, and the color of the law, then I don’t need you working for me.”

In Summary: The Participating Sheriffs described commonsense decision-making as the hallmark of how they enforced the law. They emphasized its importance in training and mentoring their deputies, guiding their staff’s behavior, and cementing their agencies’ standing as part of the county community. Bad decisions could damage an office, sometimes badly enough to cost a sheriff their job.



Running a Jail

Jails won't necessarily get you elected, but they'll sure get you unelected.

Texas sheriffs are responsible for running their county jails, and for the Participating Sheriffs, jails were a liability— and in more ways than one. In the words of one Sheriff, “probably the greatest challenge any sheriff’s going to have is how they operate their jail.”

The Focus Group agreed that jails were unpopular in their local communities but, as one Participating Sheriff said, “This is not an ACLU issue.” The Sheriffs’ constituents seemed to approve of jails as institutions that enforce punishment and keep society safe. But when those same voters considered the costs associated with building or maintaining a jail—providing housing, healthcare, and other services to incarcerated people—their appreciation for jails quickly ran out.

There is never, ever, ever a good time to build a jail. It's not popular politically, not popular at a Commissioner's Court meeting, it's not popular at the coffee shop where we hang out and people vote for us.

The Participating Sheriffs thought that their voters did not always recognize the complex realities of running a jail and maintaining basic standards of living for incarcerated people. Some of their constituents mistakenly believed that because the sheriff runs the local jail, the sheriff is, by extension, the county’s “punisher.”

People still have the concept, when they see those county inmates at the courthouse or whatever in that striped suit, that we're [using inmates for] busting

rocks. That we're really punishing them people. [But] we're not in the punishment business. That's the courts who punish these people. We're housing these people. And Lord bless us all if something bad happens to them.

In addition to being electoral liabilities, jails were also legal and financial liabilities for the Focus Group. “As soon as I take responsibility for the inmate, everything he does—every movement, every meal, every medication, every single thing that person does while he’s in my custody—is my responsibility.”

Time and time again, the Participating Sheriffs noted that their success in managing and operating a jail depended upon the size and character of the jail population—a factor that was entirely dependent on other stakeholders, such as lawyers and judges. And, the Focus Group questioned whether those other stakeholders shared the Sheriffs’ interest in moving cases along and limiting jail populations.

We don't decide how long somebody stays in our jail, but you know who has tremendous authority over that? It's the prosecutor's office. The state has 90 days to be ready for trial on a felony case. But I have somebody sitting in my jail right now who has been there for over 130 days, and who hasn't been indicted. That's a problem. They're entitled to habeas corpus. They've been held too long. From our perspective, we're trying to drive that car. But we're also powerless to drive it. We can't make the prosecutors get in [the car] with us.

Similarly, the Sheriffs noted that, in service of some long-term goal, defense counsel might deliberately delay resolving a case, thereby prolonging their client’s short-term detention



in the local jail. The Participating Sheriffs even speculated that some attorneys and judges had ulterior motives for delaying in pretrial proceedings and case dispositions.

One of my judges is the one appointing the indigent defense counsel. And you know why? Because he knows that the more attorneys he appoints, the bigger the check he gets in his campaign fundraisers.

The Participating Sheriffs reported struggling to raise enough funds to adequately run their jails. As a result, some were unable to offer salaries high enough to attract qualified jailers and jail administrators. When they were able to hire jail staff, only some of the sheriffs could afford to screen and polygraph their recruits. Others were “butt lucky to have the money to get them drug tested.”

I’m seeing jail after jail after jail right now that are one to two shifts worth of people short. So that means you’re just working the people that you have [on] more overtime. Fatigue becomes a factor. They start to burn out. They eventually just quit.

Among the Focus Group, there was agreement that an understaffed jail could have very serious consequences. For example, they lamented the fact that a reduction in mental health resources had increased the time that mentally ill people languished in their jails without treatment.

Why [don’t we] supplement and pay those people a decent salary to do a decent job for a job that’s critical? Because one [suicide], one jail death, I mean, what’s the cost to you? On just the average jail lawsuit what it would cost us legal-wise?

The Participating Sheriffs expressed frustration at their situations—they struggled to raise funds and attract qualified staff and faced serious legal liability (or closure by the TCJS) if their jails did not meet basic standards. One Participating Sheriff speculated that these pressures could soon lead some rural counties to close their jails altogether.

I’m telling you, we’re five years in. If something doesn’t change, you’re going to see a lot of these small, rural jails probably closing, going to maybe, you know, more of a regional approach. Whether they call it a regionally-formed jail or just housing-out-of-county, they’re the ones that can take them. And maybe becoming a 24-hour, 48-hour lock-up or something.

So, how do rural sheriffs run their jails in the face of such challenges? According to the Focus Group, successful sheriffs do three things. First, they work hard to recruit jail administrators who they trust. As one explained, “When the jail administrator knows the sheriff and knows how the sheriff wants the jail run, everything pretty much runs smooth from there on.”

Second, they recognize that rural jail staff must be generalists who work in multiple roles across the institution. In fact, the more specialized the proposed staff role or position, the less use the Participating Sheriffs had for it.

We wear all the hats. We don’t have a fingerprint technician. We don’t have an ID person, a floor-checker, whatever you want to call it. When you walk into the back door of my jail and you’re a correctional officer, you wear every hat we got.



Third, successful sheriffs motivate their staff to work hard for them for reasons other than a paycheck. “In the sheriff’s office, the employees that work for you, whether it’s your deputies or your jailers, and even your clerks, [they] believe in what they do.” The Participating Sheriffs expressed their appreciation to their staffs in ways that went above and beyond the salaries that they could pay.

I have a special appreciation for my jailers. Thanksgiving Day—I’m not with my family, I’m with my jailers. Same on Christmas. And they see that, and they know that. I eat with them, I listen to them, I listen about what’s going on with their kids. And, for example, this past summer one of my jailer’s sons had a big game coming up. I was at the game cheering for that child. Now when he comes to work, what kind of job performance is he going to give me?

In Summary: The Focus Group was deeply troubled by the difficulty of successfully operating their jails in difficult financial circumstances and under threat of closure for failing inspection. They described challenges to rural jails’ fiscal and administrative viability and wondered whether these jails might eventually have to close. To respond to these challenges, the Participating Sheriffs reported that they had doubled down on efforts to raise morale, help jailers focus on their mission, and build trust with their correctional staff.

Navigating Local Politics

If a bicycle tire has a faulty spoke, you’ll get where you’re going, but it’s going to be one hell of a ride and it’s going to be a whole lot slower.

The Focus Group agreed that, to succeed at their jobs, rural sheriffs needed cooperation from their colleagues in the justice system and political support from their allies in county government. For the Sheriffs, securing that support often came down to personal relationships, alliance-building, and goodwill.

To work with stakeholders whose goals might not align with theirs, the Sheriffs spent a great deal of time trying to build political capital. Sometimes, when they discovered shared goals, they would form strategic alliances with colleagues outside of their agencies.

For example, one Participating Sheriff described how he had reduced the time that sentenced inmates spent in his jail by advocating for extra administrative help in the district clerk’s office. The sheriff learned that administrative delays in the clerk’s office were slowing the processing of “pen packets” or prison transfer paperwork. In turn, those delays were slowing transfers from the jail to the prison and increasing the number of days that people spent in the county jail. The sheriff persuaded the court to increase the staff in the district clerk’s office, so that more people were available to process the transfer paperwork.

Now, it was easy to say “That’s the clerk’s fault for not getting the paperwork out in time.” But when I talked to them, she had one lady assigned in her office that was handling all of those. When we got that second position, the average time to make the packets after that was way down.



At other times, it was an uphill battle to form political alliances. “There’s too many elected officials,” one Participating Sheriff said, “and we all operate independently of each other and the problem is that some don’t see the big picture.” The Focus Group believed that some government officials simply had no interest in their issues. “Ninety-five percent of the people that run for County Commissioner are only interested in grading your road and keeping the grass shredded,” said one Participating Sheriff. In addition, because of Texas’ frequent electoral cycles, a high rate of turnover in elected officials means that sheriffs are forced—again and again—to work with new people who have neither experience with sheriffs’ issues nor interest in cooperating with sheriffs’ agencies.

To address to these challenges, several Participating Sheriffs had created advisory boards, made up of local officials and citizens, who could serve as allies and provide them with political leverage.

We’ve put together a local group. It was a multi-stakeholder process. We had these business folks come in and we start educating them on what the problems really are, and they helped us engage the prosecutors, the justices of the peace who are setting bonds. And finally, we started making headway . . . I can’t come out and say, “Well, it’s the D.A.’s fault that my jail is overpopulated.” Or, “It’s the county attorney’s fault that this is going on.” That’d be political suicide. But I can actually get people on our side and say, “Look, here is the real issue, because the data is the data and the stats don’t lie.”

Well-connected advisory board members sometimes directly intervened in political decisions.

I built my jail about [five] years ago and it was a dog fight to the very end. . . . If you have two Commissioners and you need another vote, and you need somebody to kind of tighten down the screws, then [the advisory board members are] the people who can do that—not me. You need to have that person in the community that has a relationship with that guy or lady that can go sit down with them and say, “You know, when it comes time to vote for this, we seriously think you should lean this way.”

In Summary: None of the Participating Sheriffs operated in a vacuum. “Inside county government, it takes teamwork,” said one Participating Sheriff. The Focus Group members could not ignore the political agendas of other stakeholders and officials. But, they were not helpless either. As politicians of some experience, they were effective in building alliances where there were shared interests, and in finding ways to exert pressure where there were not.



Running for Election

Seeking public office is the finest education you'll ever receive about people and life in general.

Rural sheriffs are politicians—to keep their jobs, they must maintain good relationships with their constituents.²⁵ But few other politicians have the training and experience necessary to lead a countywide law enforcement agency.²⁶

As leaders in their communities, the Focus Group found that their work affected every part of their lives. This was especially true when it came to running for election. The Participating Sheriffs spent significant time and effort attending community events, listening to their neighbors' concerns, and maintaining a public presence.

You can't be a closet politician and stay in office. A closet politician is a person that you only see out in the public when that person is running for office. We, I know this for a fact, we wake up in the morning running for office and we go to bed at night running for office. We never are not running for office.

As several Participating Sheriffs noted, the number and frequency of social events that they were obliged to attend could be overwhelming.

People want us in their parades, they want us to come to their cake auctions, they want us to go to the bingo game, whatever it is, they want the sheriff there. And I can't tell you how many nights that I go home, or I try to go home, and look at my schedule and you got some meeting that you don't give a hoot about going

to, but that's not what you do. You put on your boots and you get yourself together and you go to that meeting and at ten o'clock if you're lucky you go back in your driveway, you get out of your car, and you start all over in the next day.

But community connection—neighbors sharing their concerns, stories, and complaints—was also way of life for the Participating Sheriffs, and it was precious to them. The fact that their communities relied upon them for help signaled respect for their status, for their office, and for the sheriffs themselves.

When we go out to eat, I never eat a hot meal. Because people come and they'll wait until you set your food in front of you and then they want to tell you about something that happened three weeks ago that don't amount to a hill of beans to me, but it's important to them. But I'm going to smile and wait until we get 20-30 minutes later and thank them for coming over to my table and then I'll eat my cold stuff. That's popularity. I'm not complaining because if they weren't over at my table, they weren't making inquiries with me, then that tells me I've got a problem.

The Sheriffs' personal prominence also affected their work. Several Participating Sheriffs recalled community members asking them to personally handle matters which would have been more appropriately handled by a deputy.

When people knock on the door, they want to talk to the Sheriff. They don't want to talk to the deputy. They don't want to talk to the judge. They want to talk to the sheriff. . . . Even though that problem is going to require a deputy be



contacted to go out and do whatever it is that problem consisted of, that's not the point. The point is "I want to talk to the sheriff."

But, these personal relationships also had a dark side for the Participating Sheriffs. At election time, they were frequently the subject of political attacks that could be personal and pointed. Several Sheriffs discussed how these attacks affected their families. Children would hear their sheriff-parent criticized at school. Spouses would hear or read allegations about their sheriff-husbands in the local press. Their families had to develop thick skins.

They emphasized that even false or salacious allegations and rumors mattered because their constituents put a high value on integrity. And in small towns, gossip could travel fast.

It only takes one little post on Facebook that you were seen kissing a mule on Main Street and before the night's over with, [you] had a whole herd of mules and [your] twin brothers showed up and [you] was all kissing mules.

I told my wife some years ago—before we got married—"Honey, if I did half the stuff you're going to hear I did, I'm a bad motor scooter."

One Participating Sheriff even thought that trustworthiness and reliability were more important to voters than knowledge of the job.

We elect somebody we know to be a good and faithful individual. Somebody who's ethical, and has integrity, and, you know, is just a good person. They can learn the technical aspects of that job. Of course, we have to have certain licensure and certain certifications, but by and large, that's it.

Under such intense scrutiny, the Participating Sheriffs had to consider the potential political fallout of almost every decision.

[You're] constantly making sure that politics is in the back of your mind on every decision you make. But you've got to make sure that the decision you make is the right one. Not the right one politically, but the right one for your heart, the right one for God, and the right one for your community.

And the Sheriffs had little respite, as Texas sheriffs must run for election every four years.

From the day that you walk out of the office . . . and you see that you won your election, whether it's the primary or the general, an hour later you're politicking again to be successful four years later. As a sheriff, you can't just decide, 'well I'm going to run for re-election, so I guess I better start working.'

In Summary: All of the Participating Sheriffs had been successful at the ballot box. One even reported that inmates from his jail had requested absentee ballot applications "so they could vote for me." These kinds of successes came from careful attention, not only to the substance of their work, but also to its appearance. The Participating Sheriffs recognized that, if their opponents successfully painted them as lacking integrity, they had a great deal to lose. So, for rural sheriffs, attending to matters that concerned the community and acting to gain public confidence were critical skills.



Conclusion

To do their jobs well, rural sheriffs must advocate for resources and personnel, as well as for electoral and political support. From making budget decisions to strategizing at election time, sheriffs must manage their political relationships, their constituents' opinions, and their deputies' actions. The Participating Sheriffs sometimes saw themselves as embattled, seeking funding for unpopular causes with unreliable allies and forced to attend to social obligations that seemed trivial but were oh-so-necessary. As one put it, "Rural law enforcement has always had—and will always have—to fight to survive."

In response to these challenges, the Participating Sheriffs were creative and resourceful. They would listen to constituents instead of eating a hot meal, admonish deputies to use their common sense, and find shared interests with local allies who could help them win their battles. Even though resources never seemed to them to be adequate, and much of the political landscape was beyond their control, the Participating Sheriffs emphasized their dedication to the communities they served. They had mastered both the technical aspects of their work and the public and political components of their jobs. Above all, they had a shared vision of what it means to be a rural sheriff. As one sheriff put it:

It's a calling. You have to be called to serve. You have to have a service mentality. You cannot have the "Well I'm the sheriff, by God!" mentality. And you walk around [so puffed up that you], can't get through the door. You have to understand, you are the lead servant.



METHODS

The Deason Center gathered five Texas sheriffs—four active and one who had retired within the past decade—for a focus group that took place in October of 2019 at the SMU Dedman School of Law in Dallas, Texas. The Participating Sheriffs completed a questionnaire that was based, in part, on the *Bureau of Justice Statistics* Law Enforcement Management and Administrative Statistics (LEMAS) instrument.

The Focus Group addressed four topics: decisions to arrest, challenges of jail administration, navigation of local politics, and campaigning for election. The Focus Group conversations were transcribed and coded using NVivo 12 software, following the “thematic analysis” method described by Braun and Clarke in their 2006 article “Using Thematic Analysis in Psychology.” 3(2) *Qualitative Research in Psychology*, 77-101.

Throughout this report, quotations were edited for brevity and grammatical consistency, or as necessary to maintain anonymity. These edits did not substantively alter the meaning of any quotations.

ACKNOWLEDGMENTS

The Deason Center is immensely grateful to the five Participating Sheriffs who traveled considerable distances to share their time and their thoughts. The Center also thanks Lili McEntire for her legal analysis, and Jessica Pishko for her critical work gathering the Focus Group participants.

The Center thanks the DeGolyer Library at SMU for the use of images from the Michaux Nash collection of Texas sheriff badges. The Michaux Nash collection is believed to be the world’s only collection of sheriff badges from each of Texas’s 254 counties.

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ENDNOTES

- 1 Falcone, D. & Wells, L. E., *The Sheriff as a Distinctive Policing Modality*, *Am. J. of Police* 14(3/4) (1995).
- 2 Ratcliffe, M., Burd, C., Holder, K. & Fields, A., *Defining Rural at the U.S. Census Bureau*. (Dec. 2016) (Listing 1,253 counties as ‘mostly urban’, 1,185 as ‘mostly rural’ and 704 as ‘completely rural.’ In 2016 the Bureau of Justice Statistics counted 3,012 Sheriff offices among approximately 3,143 counties in the nation.)
- 3 Analysis on file with Deason Center. By way of further context, the Census Bureau categorizes counties according to the proportion of the population living in an urban areas. It counts 58 Texas counties as ‘completely rural’ (no person living in an urban area) while a further 78 are ‘mostly rural’ (under 50% of the population living in an urban area). According to this classification, a majority of Texas counties are predominantly rural. The United States Department of Agriculture (USDA) employs the *Rural-Urban Continuum Codes*, which put the proportion of counties classified as ‘rural’ closer to 70%.
- 4 See Nat’l Sheriffs’ Ass’n, *Office of Sheriff: State-by-State Elections Information* (Aug. 2015).
- 5 Definitions of rurality vary, and classification schemes which divide United States counties into ‘urban’ and ‘rural’ spaces are common. However, in these classification schemes, even ‘urban’ counties generally encompass some rural space. See Ricketts, T. & Johnson-Webb, K., “What Is ‘Rural’ and How to Measure ‘Rurality’: A Focus on Health Care Delivery and Health Policy” (Dec. 1996).
- 6 Tex. Const. Art. V, § 23. (Each of Texas’s 254 counties has an elected sheriff.)
- 7 Tex. Const. Art. V, § 23. (Each of Texas’s 254 counties has an elected sheriff.)
- 8 If those powers or duties are constitutionally mandated, they cannot be reduced or restricted by the sheriff’s local constituents. Falcone, *supra*; Tomberlin, J., “Don’t Elect Me”: Sheriffs and the Need for Reform in County Law Enforcement, *Vir. L. Rev.* (Mar. 2018).
- 9 Tex. Crim. Pro. Art. 2.17 (Under this section, sheriffs are also responsible for apprehending offenders and for taking state law offenders to court or jail until their case can be heard. The sheriff must also “quell and suppress all assaults and batteries, affrays, insurrections and unlawful assemblies.”) Tex. Crim. Pro. Art. 2.13(a) (Sections (b)-(f) describe sheriffs’ obligations to suppress crime, take possession of a child, investigate alleged criminal offenses, including those related to nationality or immigration status, and execute emergency detention orders.)
- 10 Tex. Loc. Gov’t Code Ann. § 351.041 (Even if the sheriff appoints a jailer, the sheriff is still responsible for the management and supervision of the jail).
- 11 Tex. Crim. Pro. Art. 2.19 (The notice is due on the first day of each month and is to include the names of those in prison, as well as the authority under which they are detained.); Tex. Crim. Pro. Art. 2.195 (on responsibilities to crime information centers.).
- 12 Tex. Loc. Gov’t Code Ann. § 85.001 et. seq.; *What’s the Difference Between Sheriff, Police, and Constable?*, *Tex. Assoc. of Counties*.
- 13 Tex. Loc. Gov’t Code Ann. § 85.001 et. seq.; *Tex. Assoc. of Counties, supra*.
- 14 Tex. Const. Art. V, § 23. (Each of Texas’s 254 counties has an elected sheriff.) For a description of Texas sheriffs’ responsibilities, see Brooks, D., *Guide to Texas Laws for County Officials*; *Tex. Assoc. of Counties* (2018).
- 15 Tex. Gov’t Code Ann. § 511.009; *Texas Commission on Jail Standards*.
- 16 Tex. Gov’t Code Ann. § 511.0085; Tex. Gov’t Code Ann. § 511.009.
- 17 In order to place the Participating Sheriffs in national context, the Center obtained data from the Bureau of Justice Statistics’ 2016 Law Enforcement Management and Administrative Statistics (LEMAS) study. The 2016 LEMAS data were downloaded from the National Archive of Criminal Justice Data and analyzed



using R and Excel. The 2016 LEMAS budget data were inflated to 2019-equivalent dollar amounts using the consumer price index. Data were weighted to be nationally representative. Counts were estimated by weighting data from a sample of 600 respondent sheriff offices.

- 18 Burch, A., *Sheriffs' Office Personnel, U.S. Dep't of Just.* (June 2016).
- 19 Dallas County includes 873 square miles of land and 35 square miles of water. In 2019, its population was 2,635,516. This results in a population of 3,019 people per land mile and 2,901 people per total square mile. *U.S. Census Bureau Gazetteer 2020.*
- 20 Data were derived from the *Bureau of Justice Statistics' 2016 Law Enforcement Management and Administrative Statistics (LEMAS) study, supra.*
- 21 The Bureau of Justice Statistics defines 'sworn officers' as personal having "full arrest powers granted by a state or local government. Nonsworn officers do not have the ability to arrest and serve in the capacity of a security officer." See Bureau of Justice Statistics, *FAQ Detail, Office of Justice Programs.* Data were derived from the *Bureau of Justice Statistics' 2016 Law Enforcement Management and Administrative Statistics (LEMAS) study, supra.*
- 22 Data were derived from the *Bureau of Justice Statistics' 2016 Law Enforcement Management and Administrative Statistics (LEMAS) study, supra.*
- 23 Brunet, J., *Goodbye Mayberry: The Curious Demise of Rural Police Departments in North Carolina, Admin. & Soc'y* (July 2014).
- 24 Falcone, D., Wells, E. & Weisheit, R., *The Small-Town Police Department, Policing: An International J.* (June, 2002). See also Pelfrey, W., *Style of Policing Adopted by Rural Police and Deputies: An Analysis of Job Satisfaction and Community Policing, Policing, An International J.* (Nov. 13, 2007).
- 25 Sheriffs in Rhode Island are appointed by the Governor, while Hawaii only has Deputy Sheriffs that are part of the State's Department of Public Safety. Connecticut replaced their sheriff with a State Marshall System, while Alaska does not have county government or sheriffs. Falcone, *supra*; National Sheriffs' Association, *FAQ*; National Sheriffs' Association, *supra.*; Tomberlin, *supra.*
- 26 Falcone, *supra.*



Join the STAR Criminal Justice Coalition to connect with criminal justice stakeholders and engage in STAR justice conversations about research, best practices, and reform.

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About the Deason Center

The Deason Criminal Justice Reform Center takes a Stats and Stories approach to criminal justice reform. The Stats: we collect, analyze, and assess qualitative and quantitative data about our criminal justice system. The Stories: we uncover, recount, and amplify the experiences of people who live and work in that system. Together, these Stats and Stories make a compelling case for compassionate criminal justice reform.

The Deason Center's STAR Criminal Justice Campaign supports criminal justice reform in America's small, tribal, and rural communities. The Center's STAR Justice Network provides STAR practitioners with a virtual practice community and with online STAR criminal justice resources. To connect STAR justice practitioners with policymakers, researchers, and non-profit organizations, the Deason Center convenes webinars, panel discussions, and an annual summit. Together, members of the STAR Campaign community will ensure that small, tribal, and rural communities are equal partners in the national criminal justice reform movement.