

Office of County Sheriff

By Steve Westbrook, Executive Director of the Sheriffs' Association of Texas

Article 5, section 23 of the Texas Constitution provides that "There shall be elected by the qualified voters of each county a Sheriff, who shall hold his office for the term of four years, whose duties, qualifications, prerequisites, and fees of office, shall be prescribed by the Legislature, and vacancies in whose office shall be filled by the Commissioners Court until the next general election."

The sheriff wears many hats both in the civil and criminal arenas. There are a variety of statutes that govern the duties of the sheriff.

In the civil area the sheriff is required to execute all process directed to him/her by legal authority and shall return the process or precept to the proper court on or before the date the process or precept is returnable. In other words, the sheriff must carry out orders from the court and then return paperwork to the court to certify that the orders were fulfilled.

The sheriff commits an offense if he/she fails to return a process or precept as required by law or makes a false return, and is subject to a charge of contempt and a fine. In addition, the sheriff is liable for all damages sustained by a person by reason of an offense committed by the sheriff.

Some of the civil process to be served by the sheriff includes citations, attachments, sequestrations, distress warrants, executions, garnishments, injunctions, and forcible entry and detainers. These duties are among the most important responsibilities of the sheriff and probably have more liability for the county than any other duty required of the sheriff. The sheriff also has responsibilities under the family law, juvenile law, and the estray law (loose livestock), to name a few.

The sheriff is responsible for the jail and for ensuring that it is in compliance with the Texas Commission on Jail Standards. In addition, the sheriff is responsible for the health and welfare of the prisoners and their personal property.

The sheriff appoints his deputies and reserve deputies, and in some instances provides bailiffs to the courts. Sheriffs also are required to appoint jailers and dispatchers. They are in charge of the jail commissary, which must be made available to the prisoners. Other duties include transporting juveniles if designated by the commissioners court and transporting mental patients to the state hospital, if required.

In addition, the sheriff must maintain an open door to the public.

In the criminal area the sheriff is the chief law enforcement officer of the county and is charged with the enforcement of the many criminal statutes. Sheriffs must be familiar with and be able to implement the requirements of the Code of Criminal Procedure, the Penal Code, and the forfeiture laws.

Sheriffs are required to make monthly reports to the commissioners court on money collected for fines, as required by the Local Government Code.

The county sheriff must also keep track of evidence that is placed in the custody of the sheriff's department and be prepared to testify before the grand jury and other courts if necessary. Other areas of responsibility are set out in the Transportation Code, Health & Safety Code, Agriculture Code and the Parks & Wildlife Code.

The public expects the sheriff to hear their complaints, look for lost dogs and cats, settle arguments among family or neighbors, and be available 24/7. Taking everything into consideration, the job of a Texas sheriff is an awesome responsibility and one that requires sheriffs and their deputies to put their lives on the line every day.

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