



SHERIFF

The Tennessee Constitution provides for each county to have a sheriff, elected for a term of four years. In order to qualify for the office of sheriff a person must be a U.S. citizen, at least 25 years old and a qualified voter of the county; have a high school diploma or its equivalent in educational training as recognized by the Tennessee state board of education; be fingerprinted and have the Tennessee bureau of investigation (TBI) search for any criminal record; be certified by a qualified professional to be free of all apparent mental disorders; and possess a current and valid peace officer certification as issued by the Tennessee POST commission. In addition, the candidate also must not have been convicted of or pled guilty or nolo contendere to a felony or certain other listed offenses, and must not have been discharged, released, or separated from the armed forces with a dishonorable or bad conduct discharge or as a consequence of conviction at court martial. Any person seeking the office of sheriff must, 14 days prior to the qualifying deadline, file an affidavit with the POST commission affirming that the candidate meets these requirements and a confirmation of psychological evaluation form certified by the professional who performed the evaluation before being eligible to be on the ballot for election. Under some circumstances, a candidate may be elected to the office of sheriff without possessing a current peace officer certification from the POST commission; however, this candidate would receive a reduced salary and must comply with training requirements after taking office or be subject to further penalties. The sheriff is elected by popular vote at the regular August election occurring every four years coinciding with the governor's election and takes office on September 1 following the election, upon receiving the proper certificate of election, being officially bonded as required by law and taking the required oath of office. Failure to take and file the proper oath and bond is a misdemeanor offense.

OFFICIAL BOND

The sheriff, before taking office, must give a bond of \$25,000 (or more if so determined by the county legislative body). It must be acknowledged before the county legislative body in open session. The bond is payable to the state of Tennessee and is conditioned on the faithful execution of all process directed to the sheriff, the proper payment of all fees and sums of money received by the sheriff to the proper office or person entitled and the faithful execution of the duties and functions of the office. The form of the official bond is prescribed

OATH OF OFFICE

by the comptroller of the treasury. Official bonds for all county officials are recorded in the county register's office. Additionally, within 40 days after election or 20 days after the term of office begins, the official bond must be filed in the office of the comptroller of the treasury. The county pays the premiums and registration fees for official bonds.

The sheriff and deputy sheriffs must take and subscribe to the following oath:

I do solemnly swear that I will perform with fidelity the duties of the office to which I have been elected and which I am about to assume. I do solemnly swear to support the constitutions of Tennessee and the United States and to faithfully perform the duties of the office of sheriff (or deputy sheriff) for _____ County, Tennessee. I further swear that I have not promised or given, nor will I give any fee, gift, gratuity, or reward for this office or for aid in procuring this office; that I will not take any fee, gift, or bribe, or gratuity for returning any person as a juror or for making any false return of any process, and that I will faithfully execute the office of sheriff to the best of my knowledge and ability, according to law.

The oath may be administered by the county mayor, county clerk, a judge of a court of record, a judge of the general sessions court, or any officer legally authorized to administer an oath, which includes notaries public. The oath with a certificate is filed with the county clerk.

COMPENSATION

The minimum compensation for sheriffs is set by *Tennessee Code Annotated* (T.C.A.) § 8-24-102, and is based on county population. The statute listed above also provides that county officials' minimum compensation shall be increased annually based on a formula that is tied to raises given to state employees the previous year. The county legislative body must make an appropriation to pay the sheriff at least the minimum salary required by law and may set the salary of the sheriff at a greater amount. The minimum salary of the sheriff is 10 percent greater than the salary of county general officers such as the trustee. The University of Tennessee's County Technical Assistance Service (CTAS) annually publishes a minimum salary schedule for sheriffs and other officials.

PERSONNEL

TC.A. § 8-20-120 authorizes the sheriff to appoint such personnel as may be provided for in the budget adopted by the county legislative body for the sheriff's office. The county legislative body cannot adopt a budget absent the consent of the sheriff that reduces below current levels the salaries and number of employees in the sheriff's office. Furthermore, if a sheriff cannot properly and efficiently conduct the statutory duties of the office within the budget adopted by the county legislative body, the sheriff may make application to the circuit court judge of the county (or criminal court if one has been established in the county) for deputies and assistants. This petition must set forth

DEPUTIES' QUALIFICATIONS

the facts showing the necessity for additional deputies and assistants, the number required, and the salary that should be paid to each such employee. A newly elected sheriff has 30 days after taking office to file a petition for deputies and assistants; otherwise, this petition, if filed, must be filed within 30 days of the final adoption of a budget for the fiscal year. The county mayor is named as a defendant in such salary suits.

There are qualifications that apply to any person employed as a deputy. Deputies must be at least 18 years of age, be a U.S. citizen, be a high school graduate or possess the equivalency, have passed a physical examination by a licensed physician, not have been convicted of, or pled guilty to or entered a plea of nolo contendere to any felony charge or to any violation of any federal or state law or city ordinance relating to force, violence, theft, dishonesty, gambling, liquor or controlled substances, not have been discharged from the armed forces of the United States under any other than honorable conditions, have fingerprints on file with the TBI, have good moral character and be free of apparent mental disorders as certified by a qualified professional in the psychiatric or psychological fields. All deputies must complete recruit training within a year of the date of employment and must complete an approved in-service training program every year after their first year of employment.

DUTIES

The duties of the sheriff's office are quite varied. Except in Davidson County, the sheriff has the important duty to prevent crimes, investigate criminal conduct that has occurred, and arrest criminals. Sheriffs and their deputies must be thoroughly acquainted with the Tennessee criminal code. The sheriff should develop a good working relationship with the staff of the district attorney general's office. Sheriffs also serve as jailers and many serve as superintendent of the county workhouse (in many counties, the jail is also the workhouse). County jails are responsible for the housing of misdemeanor prisoners. Many county jails also house state prisoners (persons convicted of felony offenses) due to lack of space in state prison facilities. The sheriffs in these counties perform important functions in obtaining state reimbursement for expenses associated with housing state prisoners. Additional duties related to criminal casework require the sheriff to dispose of contraband, abandoned motor vehicles, and unlawful weapons.

Sheriffs also have many duties that are civil in nature. They include the duty to execute and return, according to law, the civil process and orders of the courts of record and general sessions courts. Sheriffs and their deputies serve subpoenas, execute writs of possession, levy writs of execution (which involve taking property to satisfy judgments), serve garnishments, and serve orders of protection. Each of these civil duties, as well as many others, have specific requirements, time requirements, and duties with which the sheriff and deputy sheriffs must be familiar.

OTHER MATTERS

Additionally, the sheriff, or an officer designated by the sheriff, must attend all courts held in the county. Generally, a deputy sheriff acts as court officer or bailiff.

Sheriffs and their deputies operate under strict legal standards and must strive to perform their duties correctly. Failure to respect the civil rights of citizens, including prisoners, can result in personal liability under federal law. The actions of sheriffs and deputies often serve as the basis of lawsuits initiated by persons displeased with what has happened to them. Sheriffs must be acquainted with the civil and criminal aspects of the federal civil rights laws, the Tennessee Governmental Tort Liability Act, and numerous other laws.

Since office management is an important component of a sheriff's duties, sheriffs should know about personnel procedures and both state and federal laws such as the federal Fair Labor Standards Act (FLSA) and Family and Medical Leave Act (FMLA). Every county official should be familiar with the conflict of interest, ethics, and disclosure laws applicable to their offices. CTAS' field staff, criminal justice consultant, and central office staff may assist county officials in the areas where technical assistance is needed. CTAS has a Web site (www.ctas.tennessee.edu) to provide county officials with easy access to information about our agency, numerous publications on issues affecting county government, links to informative Web sites, and other valuable resources.

THE UNIVERSITY of TENNESSEE 

COUNTY TECHNICAL ASSISTANCE SERVICE

The University of Tennessee does not discriminate on the basis of race, sex, color, religion, national origin, age, disability, or veteran status in provision of educational programs and services or employment opportunities and benefits. This policy extends to both employment by and admission to the university.

The university does not discriminate on the basis of race, sex, or disability in its education programs and activities pursuant to the requirements of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) of 1990. Inquiries and charges of violation concerning Title VI, Title IX, Section 504, ADA or the Age Discrimination in Employment Act (ADEA) or any of the other above referenced policies should be directed to the Office of Equity and Diversity (OED), 1840 Melrose Avenue, Knoxville, TN 37996-3560, telephone (865) 974-2498 (V/TTY available) or 974-2440. Requests for accommodation of a disability should be directed to the ADA Coordinator at the UTK Office of Human Resources, 600 Henley Street, Knoxville, TN 37996-4125.