



**GARY BLACKMER, Multnomah County Auditor**

1120 SW 5th Avenue, Room 1410

Portland, Oregon 97204

Telephone (503) 248-3320

Telefax 248-3019

[www.multnomah.lib.or.us/aud](http://www.multnomah.lib.or.us/aud)

**MEMORANDUM**

DATE: January 6, 1998

TO: Multnomah County Charter Review Commission  
Multnomah County Board of Commissioners  
Dan Noelle, Multnomah County Sheriff  
Michael Schrunk, Multnomah County District Attorney

FROM: Gary Blackmer, County Auditor

SUBJECT: Appointed Sheriff

I encourage you to deliberate on the issue of whether Multnomah County should have an appointed rather than elected sheriff. My knowledge and background in this area is unique: before my twelve years as an auditor, I worked in the Multnomah County Sheriff's Office for nearly six years — three years under an appointed sheriff and three years under an elected sheriff. My position in Planning and Research put me in regular direct contact with Edgar E Martin and, later, Fred Pearce for budget preparation, special studies, and other administrative projects. As County Auditor I have conducted several audits of law enforcement and corrections issues in the Sheriff's Office, working with Robert Skipper, John Bunnell, and Dan Noelle.

My views about the position of sheriff do not reflect in any way on the qualities or personalities of any individuals who have occupied the office. It is an important distinction that we do not confuse the person with the position when considering how to best govern ourselves. Nor do I imply any less value for the critical services provided by the staff in the Sheriff's Office. The public depends upon the dedication of these employees and being managed by an appointed or elected official does not in any way diminish their importance.

**Some history on elected and appointed sheriffs**

Some history of the elected / appointed / elected office might be beneficial. Only through Sheriff's Office folklore do I know about the conversion of the position to appointed sheriff, led by Don Clark, the county chair who had previously been an elected sheriff. To professionalize the office in the mid-60s he separated jails from law enforcement, required college degrees of deputy applicants, and campaigned for a charter change to convert to an appointed sheriff. After it was approved in the late

60s, several appointed sheriffs served, including Lee P. Brown who went on to be police chief of Atlanta, Houston, New York City, federal "Drug Czar," and the recently elected mayor of Houston.

In May, 1982 an initiative was approved by voters which required a long list of changes to the charter such as:

- requiring voter approval to increase the salaries of elected officials
- prohibiting a county lobbyist
- setting term limits
- forcing county elected officials to resign when filing for another office
- creating an elected assessor, clerk, district court clerk, sheriff
- making the sheriff responsible for the jails.

Ed Martin had accepted a police chief position in another jurisdiction several weeks prior to the May vote and Fred Pearce, the Undersheriff, was appointed acting sheriff by the Board until an election could be held. He was elected in the fall of that year and served until he accepted a position in the Oregon Department of Corrections in the late 80s. (I left in 1985 to become an auditor with the City of Portland.) Robert Skipper was elected and completed that term and was elected to two more four-year terms, but resigned in 1994 before beginning the last term. John Bunnell was appointed acting sheriff until Dan Noelle defeated him in the election to complete the term that ends on December 31, 1998.

Over this same time period the role of the Sheriff's Office has changed. In 1979 when I began working in the Sheriff's Office there were 224 sworn law enforcement positions with an average of about 14 or 15 patrol cars on duty, serving about 155,000 residents of unincorporated Multnomah County. (There were also about 70 "non-sworn" personnel providing administrative and support activities to law enforcement.) There were no corrections responsibilities until 1982 when about 230 corrections personnel were merged into the Sheriff's Office as a result of the citizen initiative.

In 1983 Portland, Gresham, and other cities began aggressively annexing the unincorporated areas of mid-Multnomah County. At that time the economy was also very sluggish, with revenues falling despite high inflation rates. Annexations and financial troubles required law enforcement personnel to be transferred to the Portland Police Bureau, transferred to fill corrections needs, or laid off, all over the strident objections of the elected sheriff. Meanwhile, jail construction and expansion began in the mid-80s with the downtown Justice Center, Restitution Center, and the several construction phases of Inverness Jail. As a result of all these changes, patrol staffing is now averaging only 4 to 5 patrol cars, with total law enforcement deputies projected next year to be about 93. However, the Sheriff's Office has more than 600 corrections personnel budgeted this year. Additional corrections personnel will have to be hired in future years due to SB1145, which assigns responsibility to counties for many sentenced felons which had previously been held in state prisons.

## **Arguments for an appointed sheriff**

### *Mismatch of representation and responsibilities*

Citizens have a strong interest in the quality of their policing services, and an elected sheriff is probably an important official in counties with large numbers of citizens

living outside cities who depend upon the sheriff for those services. However, of the 620,000 persons living in Multnomah County, only about 32,000 live outside cities. As a result, the unincorporated voters have very little influence in choosing their law enforcement official, and the voters living in cities generally receive only jail services from the sheriff.

And, while jails are an important element of the criminal justice system, the manager of the jails must be primarily responsive to the needs of the other elements, rather than setting his or her own direction as an elected official. Community priorities about arrest, prosecution, and sentencing policies – carried out by other public officials – are most significant to citizens. Jails should carry out the decisions and policies of these other officials, not determine them. Further, a good case can be made that jail standards, court directives, and civil law determine how persons are held more than an elected sheriff's preferences. Oregon's prison superintendent is appointed, as are jail managers in many other jurisdictions, as well as directors of juvenile detention and adult parole and probation programs.

*There is a limited candidate pool of candidates for elected sheriff*

Candidates for elected sheriff should be experienced jail professionals since it represents over 80% of the staff in the organization. They should also have some capabilities in law enforcement. Further, candidates should be experienced managers able to deal with a wide range of complex issues. We can hope that voters will be motivated to favor the candidate who can best show evidence of professional and managerial accomplishments in these two fields, but the better campaigner will probably have an advantage, regardless of qualifications.

In contrast, the pool for an appointed sheriff is not limited to the metropolitan area, but could include a state or a nationwide search, because competition is based upon professional experience. Previous residency in Multnomah County is not required as in the case of an elected official.

*Elected office undermines coordination of services*

The criminal justice "system" is not designed to be well-coordinated. To protect the rights of the accused, it is built upon checks, balances, and independent judgment. With over 40 elected judges and an elected district attorney, making the sheriff elected does not add any significant independence to the system. Another elected official may increase the possibility of poor coordination, "turf" protection, and other consequences of too much independence.

Within the county, an elected sheriff undermines coordination as well. The reason we have general purpose governments is to balance the various needs of the community in making decisions about the allocation of resources. During budget time, every department manager is an advocate for sufficient resources to accomplish department objectives. We have elected the Board of Commissioners to balance all the needs of the community in allocating resources. However, an elected sheriff, who can appeal directly to the public, makes it even more difficult for the chair and commissioners to match resources to community needs. In addition, an independently elected executive with a department as large as the Sheriff's Office establishes a second authority in the county with duplicative policies and operations,

and a tendency to wall off its activities from the rest of the county, reducing communication and cooperation.

#### *Possible influence of interest groups*

I can't think of another elected office that could be as dominated by one interest group as the election of a sheriff could. Support from the Multnomah County Corrections Officers Association can have a large influence on the candidate pool and outcome of the election. The group can contribute large amounts of time as well as money for fundraising and campaigning. With membership continuing to swell, the influence could be even larger in the future. The Multnomah County Deputy Sheriff's Association also has some influence but its resources are significantly less than those of the corrections officers.

This degree of influence poses some risk to the public interest by discouraging qualified candidates from running because they might not get the support of the corrections officers. Further, management policies and wage bargaining could be affected by a candidate's desire to be elected. As a result, the public may have to pay for less efficient, more costly jails.

#### **Timing**

The term of office for elected sheriff ends on December 31, 1998 and campaign efforts are already underway for the May 1998 primary, with the possibility of a November runoff. If the Charter Review Committee decided to submit this change to the voters it may actually be decided at the same time or after a sheriff is elected for another four years. To avoid confusion, the charter change could take effect on January 1, 2003 - following the end of the next four-year term.

#### **Other viewpoints**

As I mentioned, there are arguments for an elected sheriff and I encourage you to seek out the current and past sheriffs to obtain their perspective on the office. All those sheriffs I've named are still in the area, and Lee Brown occasionally visits. Don Clark can give you a better history of the office and the changes than I am able to give. Current and past commissioners and chairs may also provide views on the office and its fit in the county. As I recall, Clyde Brummell was one of the vocal proponents of the 1982 initiative and is still a very active member of the community.

I understand that the purpose of the Charter Review Committee is to determine whether the form of government in Multnomah County continues to meet the changing needs of our community. Except for the sheriff, all the other elected positions that were created by the 1982 citizen initiative have been re-submitted for a vote and eliminated. The sheriff is an elected office that has undergone significant changes in responsibilities since then, and since the last Charter Review Commission, and would be an appropriate topic for you to examine.